

COUNTY OFFICES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows a county to select certain county officers by appointment rather than by election.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies and reorganizes Title 17, Chapter 16, County Officers, and related provisions;
- ▶ establishes a process by which a county may provide for the appointment of the following county officers by appointment rather than by election:
 - county treasurer;
 - county clerk;
 - county auditor;
 - county recorder;
 - county surveyor; and
 - county assessor;
- ▶ provides that the process to become an appointing county may be initiated:
 - by the county legislative body through resolution;
 - by the citizens of the county through petition; or
 - through an optional plan adopted at the time the county changes the county's



28 form of county government;

29 ▶ establishes signature thresholds and other requirements for a citizen petition that
30 initiates the process to become an appointing county;

31 ▶ requires the county legislative body to hold public hearings on a proposal to become
32 an appointing county;

33 ▶ provides that a county's change to an appointing county is only effective if approved
34 by the county's voters at an election;

35 ▶ establishes requirements and processes for an election to determine whether a
36 county will become an appointing county;

37 ▶ establishes provisions related to a county's transition to an appointing county;

38 ▶ provides that a county's election to become an appointing county is permanent;

39 ▶ establishes a selection committee for an appointing county to select appointed
40 county officers;

41 ▶ provides that an appointed county office is a career service position of the county
42 and that the recruitment, hiring, compensation, discipline, and termination of an
43 appointed county officer is conducted under the career service provisions of law;

44 ▶ provides additional processes for the termination of an appointed county officer;

45 ▶ amends provisions related to the consolidation of certain county offices; and

46 ▶ makes technical and conforming changes.

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142 and 445

54 **17-17-1**, as last amended by Laws of Utah 2010, Chapter 381

55 **17-17-2**, as repealed and reenacted by Laws of Utah 2016, Chapter 285

56 **17-18a-204**, as enacted by Laws of Utah 2013, Chapter 237

57 **17-18a-301**, as enacted by Laws of Utah 2013, Chapter 237

58 **17-20-1**, as last amended by Laws of Utah 2008, Chapter 3

- 59 **17-23-1**, as last amended by Laws of Utah 2001, Chapter 241
- 60 **17-23-2**, as last amended by Laws of Utah 2001, Chapter 241
- 61 **17-24-1**, as last amended by Laws of Utah 2017, Chapter 460
- 62 **17-33-8**, as last amended by Laws of Utah 2008, Chapters 25 and 172
- 63 **17-52a-204**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 64 **17-52a-404**, as renumbered and amended by Laws of Utah 2018, Chapter 68
- 65 **17-53-104**, as renumbered and amended by Laws of Utah 2000, Chapter 133
- 66 **17-53-106**, as last amended by Laws of Utah 2002, Chapters 11 and 185
- 67 **17-53-317**, as last amended by Laws of Utah 2011, Chapter 209
- 68 **17D-2-203**, as last amended by Laws of Utah 2018, Chapter 68
- 69 **20A-1-102**, as last amended by Laws of Utah 2018, Chapters 187 and 274
- 70 **20A-1-404**, as last amended by Laws of Utah 2008, Chapter 13
- 71 **20A-1-501**, as last amended by Laws of Utah 2016, Chapter 16
- 72 **20A-1-508**, as last amended by Laws of Utah 2018, Chapters 68 and 199
- 73 **20A-1-901**, as enacted by Laws of Utah 2018, Chapter 259
- 74 **20A-9-101**, as last amended by Laws of Utah 2018, Chapter 19
- 75 **20A-11-103**, as last amended by Laws of Utah 2016, Chapter 16
- 76 **41-1a-1320**, as last amended by Laws of Utah 2006, Chapter 39
- 77 **51-7-15**, as last amended by Laws of Utah 2017, Chapter 338
- 78 **51-9-408**, as last amended by Laws of Utah 2014, Chapter 267
- 79 **59-2-407**, as last amended by Laws of Utah 2018, Chapters 432 and 436
- 80 **59-2-1302**, as last amended by Laws of Utah 2011, Chapter 163
- 81 **59-2-1303**, as last amended by Laws of Utah 2009, Chapter 388
- 82 **59-2-1305**, as last amended by Laws of Utah 2018, Chapter 197
- 83 **59-2-1316**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 84 **63I-1-217**, as last amended by Laws of Utah 2018, Chapters 236 and 347
- 85 **63J-1-602.2**, as repealed and reenacted by Laws of Utah 2018, Chapter 469

86 ENACTS:

- 87 **17-16-101**, Utah Code Annotated 1953
- 88 **17-16-102**, Utah Code Annotated 1953
- 89 **17-16-306**, Utah Code Annotated 1953

- 90 **17-16-307**, Utah Code Annotated 1953
- 91 **17-16-401**, Utah Code Annotated 1953
- 92 **17-16-402**, Utah Code Annotated 1953
- 93 **17-16-403**, Utah Code Annotated 1953
- 94 **17-16-404**, Utah Code Annotated 1953
- 95 **17-16-405**, Utah Code Annotated 1953
- 96 **17-16-406**, Utah Code Annotated 1953
- 97 **17-16-407**, Utah Code Annotated 1953
- 98 **17-16-408**, Utah Code Annotated 1953
- 99 **17-16-409**, Utah Code Annotated 1953
- 100 **17-16-501**, Utah Code Annotated 1953
- 101 **17-16-502**, Utah Code Annotated 1953
- 102 **17-16-503**, Utah Code Annotated 1953
- 103 **17-16-504**, Utah Code Annotated 1953
- 104 **17-16-505**, Utah Code Annotated 1953

105 RENUMBERS AND AMENDS:

- 106 **17-16-103**, (Renumbered from 17-16-3, as last amended by Laws of Utah 2006,
107 Chapter 3)
- 108 **17-16-104**, (Renumbered from 17-16-4, as last amended by Laws of Utah 2011,
109 Chapter 297)
- 110 **17-16-105**, (Renumbered from 17-16-5.5, as last amended by Laws of Utah 2006,
111 Chapter 39)
- 112 **17-16-106**, (Renumbered from 17-16-7, as last amended by Laws of Utah 2001,
113 Chapter 241)
- 114 **17-16-107**, (Renumbered from 17-16-9, as last amended by Laws of Utah 2011,
115 Chapter 297)
- 116 **17-16-108**, (Renumbered from 17-16-11, as last amended by Laws of Utah 2007,
117 Chapter 268)
- 118 **17-16-109**, (Renumbered from 17-16-21, as last amended by Laws of Utah 2018,
119 Chapter 347)
- 120 **17-16-301**, (Renumbered from 17-16-202, as enacted by Laws of Utah 2016, Chapter

- 121 50)
- 122 **17-16-302**, (Renumbered from 17-53-101, as last amended by Laws of Utah 2018,
- 123 Chapter 68)
- 124 **17-16-303**, (Renumbered from 17-16-1, as last amended by Laws of Utah 2013,
- 125 Chapter 237)
- 126 **17-16-304**, (Renumbered from 17-16-6, as last amended by Laws of Utah 2018,
- 127 Chapter 68)
- 128 **17-16-305**, (Renumbered from 17-16-6.5, as last amended by Laws of Utah 2016,
- 129 Chapters 16 and 409)
- 130 **17-16-308**, (Renumbered from 17-16-203, as enacted by Laws of Utah 2016, Chapter
- 131 50)
- 132 **17-16-309**, (Renumbered from 17-16-10.5, as last amended by Laws of Utah 2006,
- 133 Chapter 321)
- 134 **17-16-310**, (Renumbered from 17-16-12, Utah Code Annotated 1953)
- 135 **17-16-311**, (Renumbered from 17-16-14, as last amended by Laws of Utah 1993,
- 136 Chapter 227)
- 137 **17-16-312**, (Renumbered from 17-16-18, as last amended by Laws of Utah 2014,
- 138 Chapter 176)
- 139 **17-16-313**, (Renumbered from 17-16-19, as last amended by Laws of Utah 1993,
- 140 Chapter 227)
- 141 **17-16-314**, (Renumbered from 17-16-20, as last amended by Laws of Utah 1993,
- 142 Chapter 227)
- 143 **17-16-315**, (Renumbered from 17-16-17, as last amended by Laws of Utah 1993,
- 144 Chapter 227)
- 145 **17-16-316**, (Renumbered from 17-16-16, as last amended by Laws of Utah 2017,
- 146 Chapter 70)
- 147 **17-18a-704**, (Renumbered from 17-16-2.5, as last amended by Laws of Utah 2013,
- 148 Chapter 237)
- 149 REPEALS:
- 150 **17-16-8**, Utah Code Annotated 1953
- 151 **17-16-201**, as enacted by Laws of Utah 2016, Chapter 50

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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-16-101** is enacted to read:

CHAPTER 16. COUNTY OFFICERS

Part 1. General Provisions

17-16-101. Title.

This chapter is known as "County Officers."

Section 2. Section **17-16-102** is enacted to read:

17-16-102. Definitions.

As used in this chapter:

(1) "Appointed county office" means an office in an appointing county that is filled by appointment under Title 17, Chapter 16, Part 5, Appointed County Officers.

(2) "Appointed county officer" means and individual who holds an appointed county office.

(3) "Appointing county" means a county that elects under Title 17, Chapter 16, Part 4, Change to Appointed County Officers, to have certain appointed county officers.

(4) "County office" means an elected county office or an appointed county office.

(5) "County officer" means an individual who holds a county office.

(6) (a) "Elected county office" means an office that is filled by election under Title 17, Chapter 16, Part 3, Elected County Officers.

(b) "Elected county office" does not include an appointed county office.

(7) "Elected county officer" means an individual who holds an elected county office.

Section 3. Section **17-16-103**, which is renumbered from Section 17-16-3 is renumbered and amended to read:

~~[17-16-3].~~ **17-16-103. Consolidating county offices.**

(1) ~~[A] Except as provided in Subsection (2), a county legislative body may[, unless prohibited by Subsection (2),]~~ pass an ordinance that:

(a) consolidates county offices and establishes the duties of those consolidated offices;

(b) separates any previously consolidated county offices and reconsolidates ~~[them]~~ those offices differently; or

(c) separates any previously consolidated county offices without reconsolidating ~~[them]~~

183 those offices.

184 (2) A county legislative body may not:

185 (a) consolidate the offices of county commissioner, county council member, or county
186 treasurer with the office of county auditor;

187 (b) consolidate the office of county executive with the office of county auditor, unless a
188 referendum approving that consolidation passes; ~~[or]~~

189 (c) consolidate the offices of county commissioner, county council member, county
190 executive, county assessor, or county auditor with the office of county treasurer~~[-];~~ or

191 (d) consolidate an appointed county office with an elected county office.

192 (3) ~~[Each]~~ A county legislative body shall ensure that any ordinance consolidating or
193 separating elected county offices:

194 (a) is enacted before the February 1 of the year in which elected county officers are
195 elected; and

196 (b) takes effect on the first Monday in January after the year in which elected county
197 officers are elected.

198 ~~[(4)(a) Each county legislative body shall:]~~

199 ~~[(i) enact an ordinance by February 1, 2010, separating any county offices that are
200 prohibited from consolidation by this section; and]~~

201 ~~[(ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation
202 in the county identifying the county offices that will be filled in the November 2010 election.]~~

203 ~~[(b)(i) If a county legislative body has, by February 1, 2006, enacted an ordinance, in
204 compliance with this Subsection (4) then in effect, separating county offices that are prohibited
205 from consolidation by this section, the county legislative body may repeal that ordinance.]~~

206 ~~[(ii) If a county legislative body has published notice in a newspaper identifying the
207 county offices that will be filled in the November 2006 election, and that notice, because of a
208 repeal of an ordinance under Subsection (4)(b)(i), is incorrect, the county legislative body shall
209 publish notice once in a newspaper of general circulation in the county indicating that the
210 previous notice was incorrect and correctly identifying the county offices that will be filled in
211 the November 2006 election.]~~

212 Section 4. Section **17-16-104**, which is renumbered from Section 17-16-4 is
213 renumbered and amended to read:

214 ~~[17-16-4].~~ **17-16-104. Filling a consolidated office.**

215 When two or more county offices are ~~[united and]~~ consolidated:

216 (1) (a) if the consolidated offices are elected county offices, only one [person shall]
 217 individual may be elected to fill the [united and consolidated offices; and] consolidated office;

218 or

219 (b) if the consolidated offices are appointed county offices, only one individual may be
 220 appointed to fill the consolidated office; and

221 (2) the ~~[person]~~ individual who is elected or appointed to fill the consolidated office
 222 shall:

223 (a) take the oath and give the bond required for each of the offices; and

224 (b) discharge all the duties pertaining to each of the offices.

225 Section 5. Section **17-16-105**, which is renumbered from Section 17-16-5.5 is
 226 renumbered and amended to read:

227 ~~[17-16-5.5].~~ **17-16-105. Reassignment of certain assessor duties to treasurer.**

228 A county legislative body may by ordinance reassign to the treasurer the duties of the
 229 assessor under Sections [41-1a-1320](#), [59-2-407](#), [59-2-1302](#), [59-2-1303](#), and [59-2-1305](#).

230 Section 6. Section **17-16-106**, which is renumbered from Section 17-16-7 is
 231 renumbered and amended to read:

232 ~~[17-16-7].~~ **17-16-106. Appointment of deputy to county officers -- Deputy may**
 233 **serve despite vacancy in office of appointing officer.**

234 (1) (a) A county officer or precinct officer, including an elected county executive,
 235 except a county commissioner or county council member, may, with the consent of the county
 236 legislative body, appoint deputies and employees as necessary for the discharge of the duties of
 237 the officer's office.

238 (b) The county legislative body's consent power under Subsection (1)(a) shall be
 239 defined in county ordinance and may include consent by:

240 (i) the budget approval process;

241 (ii) approval of an allocation of a certain number of positions; or

242 (iii) approval or disapproval of the hiring of individual applicants.

243 (c) A county legislative body may by ordinance delegate to the county executive the
 244 authority to consent to the appointment of deputies and employees under this Subsection (1).

245 [~~(2) If the county clerk performs district court clerk functions, the legislative body of~~
246 ~~that county shall provide the clerk with deputies and employees for the business of the district~~
247 ~~courts as considered necessary and advisable by the judge or judges of the district court,~~
248 ~~consistent with the level of funding for clerk services from the court administrator's office.]~~

249 ~~[(3)]~~ (2) (a) Each officer appointing a deputy shall, for each deputy appointed, file a
250 signed writing with the county clerk that memorializes the appointment.

251 (b) The officer appointing the deputy is liable for all official acts of the deputy.

252 (c) If the office of the officer who appointed the deputy becomes vacant, the deputy
253 may continue to serve despite the vacancy.

254 (3) If a law or ordinance grants powers or imposes duties on a county officer, a deputy
255 appointed under this section has the same powers and duties as the county officer.

256 Section 7. Section **17-16-107**, which is renumbered from Section 17-16-9 is
257 renumbered and amended to read:

258 ~~[17-16-9]~~. **17-16-107. Officers at county seats -- Office hours.**

259 (1) The ~~[elected]~~ county officers of all counties, except those in counties having a
260 population of less than 8,000, shall have their offices at the county seats.

261 (2) (a) In all counties the clerk, sheriff, recorder, auditor, treasurer, assessor, and
262 attorney shall keep their offices open for the transaction of business as authorized by
263 resolution of the county legislative body.

264 (b) If the county legislative body does not authorize hours of operation for Saturdays,
265 then the hours served by the employees of the county may not be less than under their present
266 schedule.

267 (c) (i) Any act authorized, required, or permitted to be performed at or by, or with
268 respect to, any county office on a Saturday when the county office is closed, may be performed
269 on the next business day.

270 (ii) No liability or loss of rights of any kind may result from the delay described in
271 Subsection (2)(c)(i).

272 Section 8. Section **17-16-108**, which is renumbered from Section 17-16-11 is
273 renumbered and amended to read:

274 ~~[17-16-11]~~. **17-16-108. Fidelity bonds and theft or crime insurance.**

275 (1) As used in this section, "county officials" means:

- 276 (a) the members of the county legislative body;
- 277 (b) the county executive;
- 278 (c) the county clerk;
- 279 (d) the county auditor;
- 280 (e) the county sheriff;
- 281 (f) the county attorney;
- 282 (g) in a county that is within a prosecution district, the district attorney;
- 283 (h) the county recorder;
- 284 (i) the county assessor;
- 285 (j) the county surveyor;
- 286 (k) each justice court judge and constable within the county;
- 287 (l) the county treasurer; and
- 288 (m) each deputy or assistant of those listed in Subsections (1)(a) through (l) for whom
- 289 the county legislative body determines a general fidelity bond or theft or crime insurance
- 290 should be acquired.

291 (2) (a) The legislative body of each county shall prescribe the amount of each general

292 fidelity bond or of theft or crime insurance to be acquired for county officials, except the

293 county treasurer, before the county officials, except the county treasurer, may discharge the

294 duties of their respective offices.

295 (b) The State Money Management Council created in Section 51-7-16 shall prescribe

296 the amount of a general fidelity bond or theft or crime insurance to be acquired for the county

297 treasurer before the county treasurer may discharge the duties of that office.

298 (c) A county legislative body may acquire a fidelity bond or theft or crime insurance on

299 all county officials as a group rather than individually.

300 (3) (a) The county legislative body shall approve the premium for each fidelity bond

301 before the bond may be filed.

302 (b) The cost of each fidelity bond and theft or crime insurance policy shall be paid

303 from county funds.

304 (4) Each fidelity bond shall be filed and maintained in the office of the county clerk.

305 (5) (a) The district attorney of each multicounty prosecution district shall:

306 (i) execute a fidelity bond or acquire theft or crime insurance in the amount specified in

307 the interlocal agreement that created the prosecution district; and

308 (ii) file each fidelity bond with the county clerk as specified in the interlocal agreement.

309 (b) The cost of each fidelity bond or theft or crime insurance policy under Subsection
310 (5)(a) shall be paid as specified in the interlocal agreement that created the prosecution district.

311 Section 9. Section **17-16-109**, which is renumbered from Section 17-16-21 is
312 renumbered and amended to read:

313 ~~[17-16-21]~~. **17-16-109. Fees of county officers.**

314 (1) As used in this section, "county officer" [~~means a county officer enumerated in~~
315 ~~Section 17-53-101 except~~] does not include a county recorder, a county constable, or a county
316 sheriff.

317 (2) (a) A county officer shall collect, in advance, for exclusive county use and benefit:

318 (i) a fee established by the county legislative body under Section 17-53-211; and

319 (ii) any other fee authorized or required by law.

320 (b) As long as the Children's Legal Defense Account is authorized by Section
321 51-9-408, the county clerk shall:

322 (i) assess \$10 in addition to whatever fee for a marriage license is established under
323 authority of this section; and

324 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
325 in the Children's Legal Defense Account.

326 (c) (i) As long as the Division of Child and Family Services, created in Section
327 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
328 temporary shelter, for victims of domestic violence, the county clerk shall:

329 (A) collect \$10 in addition to whatever fee for a marriage license is established under
330 authority of this section and in addition to the amount described in Subsection (2)(b), if an
331 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

332 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
333 Division of Finance for distribution to the Division of Child and Family Services for the
334 operation of shelters for victims of domestic violence.

335 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license
336 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

337 (B) An applicant for a marriage license may choose not to pay the additional \$10

338 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
339 marriage license.

340 (d) If a county operates an online marriage application system, the county clerk of that
341 county:

342 (i) may assess \$20 in addition to the other fees for a marriage license established under
343 this section;

344 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
345 license fee to the state treasurer for deposit annually as follows:

346 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
347 Section 62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;
348 and

349 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and

350 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this
351 Subsection (2)(d) if both individuals seeking the marriage license certify that they have
352 completed premarital counseling or education in accordance with Section 30-1-34.

353 (3) This section does not apply to a fee currently being assessed by the state but
354 collected by a county officer.

355 Section 10. Section 17-16-301, which is renumbered from Section 17-16-202 is
356 renumbered and amended to read:

357 **Part 3. Elected County Officers**

358 ~~[17-16-202].~~ **17-16-301. Definitions.**

359 As used in this part:

360 (1) (a) [~~Except as provided in Subsection (1)(b), "contribution"~~] "Contribution" means
361 any of the following when done for a political purpose:

362 (i) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
363 given to the filing entity;

364 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
365 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
366 of value to the filing entity;

367 (iii) any transfer of funds from another reporting entity to the filing entity;

368 (iv) compensation paid by any person or reporting entity other than the filing entity for

369 personal services provided without charge to the filing entity;

370 (v) a loan made by a county office candidate or local school board candidate deposited
371 into the county office candidate's or local school board candidate's own campaign account; or

372 (vi) an in-kind contribution.

373 (b) "Contribution" does not include:

374 (i) services provided by an individual volunteering a portion or all of the individual's
375 time on behalf of the filing entity if the services are provided without compensation by the
376 filing entity or any other person;

377 (ii) money lent to the filing entity by a financial institution in the ordinary course of
378 business; or

379 (iii) goods or services provided for the benefit of a county office candidate or local
380 school board candidate at less than fair market value that are not authorized by or coordinated
381 with the county office candidate or the local school board candidate.

382 [~~(2) "County office" means an office described in Section 17-53-101 that is required to~~
383 ~~be filled by an election.~~]

384 [~~(3)~~] (2) "County office candidate" means an individual who:

385 (a) files a declaration of candidacy for [~~a~~] an elected county office; or

386 (b) receives a contribution, makes an expenditure, or gives consent for any other person
387 to receive a contribution or make an expenditure to bring about the individual's nomination or
388 election to [~~a~~] an elected county office.

389 [~~(4) "County officer" means an individual who holds a county office.~~]

390 [~~(5)~~] (3) (a) [~~Except as provided in Subsection (5)(b), "expenditure"~~] "Expenditure"

391 means any of the following made by a reporting entity or an agent of a reporting entity on
392 behalf of the reporting entity:

393 (i) any disbursement from contributions, receipts, or the separate bank account required
394 under Section [~~17-16-6.5~~] 17-16-305 or 17-16-306;

395 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
396 or anything of value made for a political purpose;

397 (iii) an express, legally enforceable contract, promise, or agreement to make any
398 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
399 value for a political purpose;

400 (iv) compensation paid by a filing entity for personal services rendered by a person
401 without charge to a reporting entity;

402 (v) a transfer of funds between the filing entity and a county office candidate's, or a
403 local school board candidate's, personal campaign committee; or

404 (vi) goods or services provided by the filing entity to or for the benefit of another
405 reporting entity for a political purpose at less than fair market value.

406 (b) "Expenditure" does not include:

407 (i) services provided without compensation by an individual volunteering a portion or
408 all of the individual's time on behalf of a reporting entity;

409 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
410 business; or

411 (iii) anything described in Subsection [~~(5)~~] (3)(a) that is given by a reporting entity to a
412 candidate or officer in another state.

413 [~~(6)~~] (4) "Filing entity" means:

414 (a) a county office candidate;

415 (b) [a] an elected county officer;

416 (c) a local school board candidate;

417 (d) a local school board member; or

418 (e) a reporting entity that is required to meet a campaign finance disclosure
419 requirement [~~adopted by a county in accordance with Section 17-16-6.5~~] under Section
420 17-16-305 or 17-16-306.

421 [~~(7)~~] (5) "In-kind contribution" means anything of value, other than money, that is
422 accepted by or coordinated with a filing entity.

423 [~~(8)~~] (6) "Local school board candidate" means an individual who:

424 (a) files a declaration of candidacy for local school board; or

425 (b) receives a contribution, makes an expenditure, or gives consent for any other person
426 to receive a contribution or make an expenditure to bring about the individual's nomination or
427 election to a local school board.

428 [~~(9)~~] (7) (a) "Personal use expenditure" means an expenditure that:

429 (i) (A) is not excluded from the definition of personal use expenditure by Subsection
430 [~~(9)~~] (7)(c); and

431 (B) primarily furthers a personal interest of a county office candidate, elected county
432 officer, local school board candidate, or a local school board member, or a member of a county
433 office candidate's, elected county officer's, local school board candidate's, or local school board
434 member's family; or

435 (ii) would cause the county office candidate, elected county officer, local school board
436 candidate, or local school board member to recognize the expenditure as taxable income under
437 federal law.

438 (b) "Personal use expenditure" includes:

439 (i) a mortgage, rent, utility, or vehicle payment;

440 (ii) a household food item or supply;

441 (iii) clothing, except for clothing:

442 (A) bearing the county office candidate's or local school board candidate's name or
443 campaign slogan or logo; and

444 (B) used in the county office candidate's or local school board member's campaign;

445 (iv) admission to a sporting, artistic, or recreational event or other form of
446 entertainment;

447 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;

448 (vi) a salary payment made to:

449 (A) a county office candidate, elected county officer, local school board candidate, or
450 local school board member; or

451 (B) a person who has not provided a bona fide service to a county candidate, elected
452 county officer, local school board candidate, or local school board member;

453 (vii) a vacation;

454 (viii) a vehicle expense;

455 (ix) a meal expense;

456 (x) a travel expense;

457 (xi) payment of an administrative, civil, or criminal penalty;

458 (xii) satisfaction of a personal debt;

459 (xiii) a personal service, including the service of an attorney, accountant, physician, or
460 other professional person;

461 (xiv) a membership fee for a professional or service organization; and

- 462 (xv) a payment in excess of the fair market value of the item or service purchased.
- 463 (c) "Personal use expenditure" does not include an expenditure made:
- 464 (i) for a political purpose;
- 465 (ii) for candidacy for an elected county office or local school board;
- 466 (iii) to fulfill a duty or activity of [a] an elected county officer or local school board
- 467 member;
- 468 (iv) for a donation to a registered political party;
- 469 (v) for a contribution to another candidate's campaign account, including sponsorship
- 470 of or attendance at an event, the primary purpose of which is to solicit a contribution for
- 471 another candidate's campaign account;
- 472 (vi) to return all or a portion of a contribution to a contributor;
- 473 (vii) for the following items, if made in connection with the candidacy for an elected
- 474 county office or local school board, or an activity or duty of [a] an elected county officer or
- 475 local school board member:
- 476 (A) a mileage allowance at the rate established by the political subdivision that
- 477 provides the mileage allowance;
- 478 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
- 479 (C) a meal expense;
- 480 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 481 (E) a payment for a service provided by an attorney or accountant;
- 482 (F) a tuition payment or registration fee for participation in a meeting or conference;
- 483 (G) a gift;
- 484 (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office
- 485 space;
- 486 (I) a booth at a meeting or event; or
- 487 (J) educational material;
- 488 (viii) to purchase or mail informational material, a survey, or a greeting card;
- 489 (ix) for a donation to a charitable organization, as defined in Section [13-22-2](#), including
- 490 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 491 as defined in Section [13-22-2](#);
- 492 (x) to repay a loan a county office candidate or local school board candidate makes

493 from the candidate's personal account to the candidate's campaign account;

494 (xi) to pay membership dues to a national organization whose primary purpose is to
495 address general public policy;

496 (xii) for admission to or sponsorship of an event, the primary purpose of which is to
497 promote the social, educational, or economic well-being of the state or the county candidate's,
498 elected county officer's, local school board candidate's, or local school board member's
499 community;

500 (xiii) for one or more guests of a county office candidate, elected county officer, local
501 school board candidate, or local school board member to attend an event, meeting, or
502 conference described in this Subsection [~~(9)~~] (7)(c); or

503 (xiv) that is connected with the performance of an activity as a county office candidate
504 or local school board member, or an activity or duty of [a] an elected county officer or local
505 school board member.

506 [~~(10)~~] (8) "Political purpose" means an act done with the intent or in a way to influence
507 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
508 against any candidate or a person seeking an office at any caucus, political convention, or
509 election.

510 [~~(11)~~] (9) "Reporting entity":

511 (a) means the same as that term is defined in Subsection 20A-11-101(52); and

512 (b) includes a county office candidate, a county office candidate's personal campaign
513 committee, [a] an elected county officer, a local school board candidate, a local school board
514 candidate's personal campaign committee, and a local school board member.

515 Section 11. Section **17-16-302**, which is renumbered from Section 17-53-101 is
516 renumbered and amended to read:

517 [~~17-53-101~~]. **17-16-302. Elected county officers enumerated.**

518 (1) The elected officers of a county are:

519 (a) (i) in a county operating under a county commission or expanded county
520 commission form of government, county commission members; or

521 (ii) in a county operating under one of the other forms of county government under
522 Subsection 17-52a-405(1)(a), county legislative body members and the county executive;

523 (b) except as provided for an appointing county in Title 17, Chapter 16, Part 5,

524 Appointed County Officers, a county treasurer, a sheriff, a county clerk, a county auditor, a
525 county recorder, a county attorney, a district attorney in a county which is part of a prosecution
526 district, a county surveyor, and a county assessor; and

527 (c) any others provided by law.

528 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
529 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
530 duties of the office without extra compensation.

531 Section 12. Section **17-16-303**, which is renumbered from Section 17-16-1 is
532 renumbered and amended to read:

533 ~~[17-16-1]~~. **17-16-303. Eligibility and residency requirements for elected county**
534 **office or district, precinct, or prosecution district office.**

535 (1) ~~[A person]~~ An individual filing a declaration of candidacy for ~~[a county,]~~ an elected
536 county office or a district, precinct, or prosecution district office shall:

537 (a) be a United States citizen;

538 (b) except as provided in Section [20A-1-509.2](#) with respect to the office of county
539 attorney or district attorney, as of the date of the election, have been a resident for at least one
540 year of the county, district, precinct, or prosecution district in which the person seeks office;
541 and

542 (c) be a registered voter in the county, district, precinct, or prosecution district in which
543 the person seeks office.

544 (2) (a) ~~[A county,]~~ An elected county officer or a district, precinct, or prosecution
545 district officer shall maintain residency within the county, district, precinct, or prosecution
546 district in which the officer was elected during the officer's term of office.

547 (b) If ~~[a county,]~~ an elected county officer or a district, precinct, or prosecution district
548 officer establishes the officer's principal place of residence as provided in Section [20A-2-105](#)
549 outside the county, district, precinct, or prosecution district in which the officer was elected,
550 the office is automatically vacant.

551 Section 13. Section **17-16-304**, which is renumbered from Section 17-16-6 is
552 renumbered and amended to read:

553 ~~[17-16-6]~~. **17-16-304. Elected county officers -- Time of holding elections --**
554 **County commissioners -- Terms of office.**

555 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,
556 Changing Forms of County Government:

557 (a) each elected county officer shall be elected at the regular general election every four
558 years in accordance with Section [20A-1-201](#), except as otherwise provided in this title;

559 (b) county commissioners shall be elected at the times, in the manner, and for the terms
560 provided in Section [17-52a-201](#); and

561 (c) an elected county officer shall hold office for the term for which the officer is
562 elected, beginning at noon on the first Monday in January following the officer's election and
563 until a successor is elected or appointed and qualified, except as provided in Section [~~17-16-1~~]
564 [17-16-303](#).

565 (2) (a) The terms of county officers shall be staggered in accordance with this
566 Subsection (2).

567 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

568 (i) the following elected county officers shall be elected to one six-year term and
569 thereafter elected to a four-year term:

570 (A) county treasurer;

571 (B) county recorder;

572 (C) county surveyor; and

573 (D) county assessor; and

574 (ii) all other elected county officers shall be elected to a four-year term.

575 (c) If a county legislative body consolidates two or more elected county offices in
576 accordance with Section [~~17-16-3~~] [17-16-103](#), and the consolidated offices are on conflicting
577 election schedules, the county legislative body shall pass an ordinance that sets the election
578 schedule for the consolidated offices in a reasonable manner that staggers the terms of county
579 officers as provided in this Subsection (2).

580 Section 14. Section **17-16-305**, which is renumbered from Section 17-16-6.5 is
581 renumbered and amended to read:

582 [~~17-16-6.5~~]. **[17-16-305](#). County ordinance regarding financial disclosure in**
583 **county elections.**

584 (1) [~~(a)~~] A county shall adopt an ordinance establishing campaign finance disclosure
585 requirements for:

586 ~~[(i)]~~ (a) ~~[candidates for]~~ county office candidates; and

587 ~~[(ii)]~~ (b) ~~[candidates for]~~ local school board ~~[office]~~ candidates who reside in that
588 county.

589 ~~[(b)]~~ (2) The ordinance ~~[required by]~~ described in Subsection (1)~~[(a)]~~ shall include:

590 ~~[(i)]~~ (a) a requirement that each ~~[candidate for]~~ county office candidate or local school
591 board ~~[office]~~ candidate report the candidate's itemized and total campaign contributions and
592 expenditures at least once within the two weeks before the election and at least once within two
593 months after the election;

594 ~~[(ii)]~~ (b) a definition of "contribution" and "expenditure" that requires reporting of
595 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

596 ~~[(iii)]~~ (c) a requirement that the financial reports identify:

597 ~~[(A)]~~ (i) for each contribution, the name of the donor of the contribution, if known, and
598 the amount of the contribution; and

599 ~~[(B)]~~ (ii) for each expenditure, the name of the recipient and the amount of the
600 expenditure;

601 ~~[(iv)]~~ (d) a requirement that a ~~[candidate for]~~ county office candidate or local school
602 board ~~[office]~~ candidate deposit a contribution in a separate campaign account in a financial
603 institution;

604 ~~[(v)]~~ (e) a prohibition against a ~~[candidate for]~~ county office candidate or local school
605 board ~~[office]~~ candidate depositing or mingling any contributions received into a personal or
606 business account; and

607 ~~[(vi)]~~ (f) a requirement that a ~~[candidate for]~~ county office candidate who receives a
608 contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose
609 name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of
610 the contribution to:

611 ~~[(A)]~~ (i) the treasurer of the state or a political subdivision for deposit into the state's or
612 political subdivision's general fund; or

613 ~~[(B)]~~ (ii) an organization that is exempt from federal income taxation under Section
614 501(c)(3), Internal Revenue Code.

615 ~~[(e)-(i)]~~ (3) (a) As used in this Subsection ~~[(1)-(e)]~~ (3), "account" means an account in a
616 financial institution:

617 [(A)] (i) that is not described in Subsection [(1)(b)(iv)] (2)(d); and
 618 [(B)] (ii) into which or from which [~~a person~~] an individual who, as a candidate for an
 619 office, other than [a] an elected county office for which the [~~person~~] individual files a
 620 declaration of candidacy or federal office, or as a holder of an office, other than [a] an elected
 621 county office for which the [~~person~~] individual files a declaration of candidacy or federal
 622 office, deposits a contribution or makes an expenditure.

623 [(ii)] (b) The ordinance required by Subsection (1)[(a)] shall include a requirement that
 624 a [~~candidate for~~] county office candidate or local school board [~~office~~] candidate include on a
 625 financial report filed in accordance with the ordinance a contribution deposited in or an
 626 expenditure made from an account:

627 [(A)] (i) since the last financial report was filed; or

628 [(B)] (ii) that has not been reported under a statute or ordinance that governs the
 629 account.

630 ~~[(2) If any county fails to adopt a campaign finance disclosure ordinance described in~~
 631 ~~Subsection (1), candidates for county office, other than community council office, and~~
 632 ~~candidates for local school board office shall comply with the financial reporting requirements~~
 633 ~~contained in Subsections (3) through (8).]~~

634 ~~[(3) A candidate for elective office in a county or local school board office:]~~

635 ~~[(a) shall deposit a contribution in a separate campaign account in a financial~~
 636 ~~institution; and]~~

637 ~~[(b) may not deposit or mingle any contributions received into a personal or business~~
 638 ~~account.]~~

639 ~~[(4) Each candidate for elective office in any county who is not required to submit a~~
 640 ~~campaign financial statement to the lieutenant governor, and each candidate for local school~~
 641 ~~board office, shall file a signed campaign financial statement with the county clerk:]~~

642 ~~[(a) seven days before the date of the regular general election, reporting each~~
 643 ~~contribution and each expenditure as of 10 days before the date of the regular general election;~~
 644 ~~and]~~

645 ~~[(b) no later than 30 days after the date of the regular general election:]~~

646 ~~[(5) (a) The statement filed seven days before the regular general election shall~~
 647 ~~include:]~~

648 ~~[(i) a list of each contribution received by the candidate, and the name of the donor, if~~
649 ~~known; and]~~

650 ~~[(ii) a list of each expenditure for political purposes made during the campaign period,~~
651 ~~and the recipient of each expenditure.]~~

652 ~~[(b) The statement filed 30 days after the regular general election shall include:]~~

653 ~~[(i) a list of each contribution received after the cutoff date for the statement filed~~
654 ~~seven days before the election, and the name of the donor; and]~~

655 ~~[(ii) a list of all expenditures for political purposes made by the candidate after the~~
656 ~~cutoff date for the statement filed seven days before the election, and the recipient of each~~
657 ~~expenditure.]~~

658 ~~[(6) (a) As used in this Subsection (6), "account" means an account in a financial~~
659 ~~institution:]~~

660 ~~[(i) that is not described in Subsection (3)(a); and]~~

661 ~~[(ii) into which or from which a person who, as a candidate for an office, other than a~~
662 ~~county office for which the person filed a declaration of candidacy or federal office, or as a~~
663 ~~holder of an office, other than a county office for which the person filed a declaration of~~
664 ~~candidacy or federal office, deposits a contribution or makes an expenditure.]~~

665 ~~[(b) A county office candidate and a local school board office candidate shall include~~
666 ~~on any campaign financial statement filed in accordance with Subsection (4) or (5):]~~

667 ~~[(i) a contribution deposited in an account:]~~

668 ~~[(A) since the last campaign finance statement was filed; or]~~

669 ~~[(B) that has not been reported under a statute or ordinance that governs the account;~~
670 ~~or]~~

671 ~~[(ii) an expenditure made from an account:]~~

672 ~~[(A) since the last campaign finance statement was filed; or]~~

673 ~~[(B) that has not been reported under a statute or ordinance that governs the account.]~~

674 ~~[(7) Within 30 days after receiving a contribution that is cash or a negotiable~~
675 ~~instrument, exceeds \$50, and is from a donor whose name is unknown, a county office~~
676 ~~candidate shall disburse the amount of the contribution to:]~~

677 ~~[(a) the treasurer of the state or a political subdivision for deposit into the state's or~~
678 ~~political subdivision's general fund; or]~~

679 ~~[(b) an organization that is exempt from federal income taxation under Section~~
680 ~~501(c)(3), Internal Revenue Code.]~~

681 ~~[(8) Candidates for elective office in any county, and candidates for local school board~~
682 ~~office, who are eliminated at a primary election shall file a signed campaign financial statement~~
683 ~~containing the information required by this section not later than 30 days after the primary~~
684 ~~election.]~~

685 ~~[(9) Any person who fails to comply with this section is guilty of an infraction.]~~

686 ~~[(10)]~~ (4) (a) Counties may, by ordinance, enact requirements that:

687 (i) require greater disclosure of campaign contributions and expenditures than those
688 that are described in Section 17-16-306; and

689 (ii) impose additional penalties.

690 (b) The requirements described in Subsection ~~[(10)]~~ (4)(a) apply to a local school
691 board ~~[office]~~ candidate who resides in that county.

692 ~~[(11) If a candidate fails to file an interim report due before the election, the county~~
693 ~~clerk:]~~

694 ~~[(a) may send an electronic notice to the candidate and the political party of which the~~
695 ~~candidate is a member, if any, that states:]~~

696 ~~[(i) that the candidate failed to timely file the report; and]~~

697 ~~[(ii) that, if the candidate fails to file the report within 24 hours after the deadline for~~
698 ~~filing the report, the candidate will be disqualified and the political party will not be permitted~~
699 ~~to replace the candidate; and]~~

700 ~~[(b) impose a fine of \$100 on the candidate.]~~

701 ~~[(12) (a) The county clerk shall disqualify a candidate and inform the appropriate~~
702 ~~election officials that the candidate is disqualified if the candidate fails to file an interim report~~
703 ~~described in Subsection (11) within 24 hours after the deadline for filing the report.]~~

704 ~~[(b) The political party of a candidate who is disqualified under Subsection (12)(a) may~~
705 ~~not replace the candidate.]~~

706 ~~[(13) If a candidate is disqualified under Subsection (12)(a) the election official:]~~

707 ~~[(a) (i) shall, if practicable, remove the name of the candidate by blacking out the~~
708 ~~candidate's name before the ballots are delivered to voters; or]~~

709 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~

710 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
711 ~~cast for the candidate will not be counted; and]~~

712 ~~[(b) may not count any votes for that candidate.]~~

713 ~~[(14) An election official may fulfill the requirement described in Subsection (13)(a) in~~
714 ~~relation to an absentee voter, including a military or overseas absentee voter, by including with~~
715 ~~the absentee ballot a written notice directing the voter to a public website that will inform the~~
716 ~~voter whether a candidate on the ballot is disqualified.]~~

717 ~~[(15) A candidate is not disqualified if:]~~

718 ~~[(a) the candidate files the interim reports described in Subsection (11) no later than 24~~
719 ~~hours after the applicable deadlines for filing the reports;]~~

720 ~~[(b) the reports are completed, detailing accurately and completely the information~~
721 ~~required by this section except for inadvertent omissions or insignificant errors or inaccuracies;~~
722 ~~and]~~

723 ~~[(c) the omissions, errors, or inaccuracies are corrected in an amended report or in the~~
724 ~~next scheduled report.]~~

725 ~~[(16) (a) A report is considered timely filed if:]~~

726 ~~[(i) the report is received in the county clerk's office no later than midnight, Mountain~~
727 ~~Time, at the end of the day on which the report is due;]~~

728 ~~[(ii) the report is received in the county clerk's office with a United States Postal~~
729 ~~Service postmark three days or more before the date that the report was due; or]~~

730 ~~[(iii) the candidate has proof that the report was mailed, with appropriate postage and~~
731 ~~addressing, three days before the report was due.]~~

732 ~~[(b) For a county clerk's office that is not open until midnight at the end of the day on~~
733 ~~which a report is due, the county clerk shall permit a candidate to file the report via email or~~
734 ~~another electronic means designated by the county clerk.]~~

735 ~~[(17) (a) Any private party in interest may bring a civil action in district court to~~
736 ~~enforce the provisions of this section or any ordinance adopted under this section.]~~

737 ~~[(b) In a civil action filed under Subsection (17)(a), the court shall award costs and~~
738 ~~attorney fees to the prevailing party.]~~

739 ~~[(18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records~~
740 ~~Access and Management Act, the county clerk shall:]~~

741 ~~[(a) make each campaign finance statement filed by a candidate available for public~~
 742 ~~inspection and copying no later than one business day after the statement is filed; and]~~

743 ~~[(b) make the campaign finance statement filed by a candidate available for public~~
 744 ~~inspection by:]~~

745 ~~[(i) (A) posting an electronic copy or the contents of the statement on the county's~~
 746 ~~website no later than seven business days after the statement is filed; and]~~

747 ~~[(B) verifying that the address of the county's website has been provided to the~~
 748 ~~lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or]~~

749 ~~[(ii) submitting a copy of the statement to the lieutenant governor for posting on the~~
 750 ~~website established by the lieutenant governor under Section 20A-11-103 no later than two~~
 751 ~~business days after the statement is filed.]~~

752 Section 15. Section **17-16-306** is enacted to read:

753 **17-16-306. County campaign finance requirements in absence of county**
 754 **ordinance.**

755 (1) If a county fails to adopt a campaign finance disclosure ordinance described in
 756 Section 17-16-305, county office candidates and local school board candidates shall comply
 757 with the financial reporting requirements contained in this section.

758 (2) A county office candidate or local school board candidate:

759 (a) shall deposit a contribution in a separate campaign account in a financial institution;
 760 and

761 (b) may not deposit or mingle any contributions received into a personal or business
 762 account.

763 (3) Each county office candidate who is not required to submit a campaign financial
 764 statement to the lieutenant governor, and each local school board candidate, shall file a signed
 765 campaign financial statement with the county clerk:

766 (a) seven days before the date of the regular general election, reporting each
 767 contribution and each expenditure as of 10 days before the date of the regular general election;
 768 and

769 (b) no later than 30 days after the date of the regular general election.

770 (4) (a) The statement filed seven days before the regular general election shall include:

771 (i) a list of each contribution received by the candidate, and the name of the donor, if

772 known; and

773 (ii) a list of each expenditure for political purposes made during the campaign period,
774 and the recipient of each expenditure.

775 (b) The statement filed 30 days after the regular general election shall include:

776 (i) a list of each contribution received after the cutoff date for the statement filed seven
777 days before the election, including the name of the donor; and

778 (ii) a list of all expenditures for political purposes made by the candidate after the
779 cutoff date for the statement filed seven days before the election, and the recipient of each
780 expenditure.

781 (5) (a) As used in this Subsection (5), "account" means an account in a financial
782 institution:

783 (i) that is not described in Subsection (2)(a); and

784 (ii) into which or from which an individual who, as a candidate for an office, other than
785 an elected county office for which the individual files a declaration of candidacy or federal
786 office, or as a holder of an office, other than an elected county office for which the individual
787 files a declaration of candidacy or federal office, deposits a contribution or makes an
788 expenditure.

789 (b) A county office candidate and a local school board candidate shall include on any
790 campaign financial statement filed in accordance with Subsection (3) or (4):

791 (i) a contribution deposited into an account:

792 (A) since the last campaign finance statement was filed; or

793 (B) that has not been reported under a statute or ordinance that governs the account; or

794 (ii) an expenditure made from an account:

795 (A) since the last campaign finance statement was filed; or

796 (B) that has not been reported under a statute or ordinance that governs the account.

797 (6) Within 30 days after the day on which a county office candidate receives a
798 contribution that is cash or a negotiable instrument that exceeds \$50 and is from a donor whose
799 name is unknown, the county office candidate shall disburse the amount of the contribution to:

800 (a) the treasurer of the state or a political subdivision for deposit into the state's or
801 political subdivision's general fund; or

802 (b) an organization that is exempt from federal income taxation under Section

803 501(c)(3), Internal Revenue Code.

804 (7) A county office candidate or a local school board candidate who is eliminated at a
805 primary election shall file a signed campaign financial statement containing the information
806 required by this section not later than 30 days after the primary election.

807 (8) A person who fails to comply with this section is guilty of an infraction.

808 Section 16. Section **17-16-307** is enacted to read:

809 **17-16-307. Penalties for violation of campaign finance law or ordinance.**

810 (1) If a candidate fails to file an interim report due before the election, the county clerk:

811 (a) may send an electronic notice to the candidate and the political party of which the
812 candidate is a member, if any, that states:

813 (i) that the candidate failed to timely file the report; and

814 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
815 filing the report, the candidate will be disqualified and the political party will not be permitted
816 to replace the candidate; and

817 (b) impose a fine of \$100 on the candidate.

818 (2) (a) The county clerk shall disqualify a candidate and inform the appropriate election
819 officials that the candidate is disqualified if the candidate fails to file an interim report
820 described in Subsection (1) within 24 hours after the deadline for filing the report.

821 (b) The political party of a candidate who is disqualified under Subsection (2)(a) may
822 not replace the candidate.

823 (3) If a candidate is disqualified under Subsection (2)(a) the election official:

824 (a) (i) shall, if practicable, remove the name of the candidate by blacking out the
825 candidate's name before the ballots are delivered to voters; or

826 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
827 the voters by any practicable method that the candidate has been disqualified and that votes
828 cast for the candidate will not be counted; and

829 (b) may not count any votes for that candidate.

830 (4) An election official may comply with the requirement described in Subsection

831 (3)(a) in relation to an absentee voter, including a military or overseas absentee voter, by
832 including with the absentee ballot a written notice directing the voter to a public website that
833 will inform the voter whether a candidate on the ballot is disqualified.

834 (5) A candidate is not disqualified if:

835 (a) the candidate files the interim reports described in Subsection (1) no later than 24
836 hours after the applicable deadlines for filing the reports;

837 (b) the reports are completed, detailing accurately and completely the information
838 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
839 and

840 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
841 next scheduled report.

842 (6) (a) A report is considered timely filed if:

843 (i) the report is received in the county clerk's office no later than midnight, Mountain
844 Time, at the end of the day on which the report is due;

845 (ii) the report is received in the county clerk's office with a United States Postal Service
846 postmark three days or more before the date that the report was due; or

847 (iii) the candidate has proof that the report was mailed, with appropriate postage and
848 address, three days before the report was due.

849 (b) For a county clerk's office that is not open until midnight at the end of the day on
850 which a report is due, the county clerk shall permit a candidate to file the report via email or
851 other electronic means designated by the county clerk.

852 (7) (a) Any private party in interest may bring a civil action in district court to enforce
853 the provisions of this section or any ordinance adopted under Section [17-16-305](#).

854 (b) In a civil action filed under Subsection (7)(a), the court shall award costs and
855 attorney fees to the prevailing party.

856 (8) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
857 Access and Management Act, the county clerk shall:

858 (a) make each campaign finance statement filed by a candidate available for public
859 inspection and copying no later than one business day after the statement is filed; and

860 (b) make the campaign finance statement filed by a candidate available for public
861 inspection by:

862 (i) (A) posting an electronic copy or the contents of the statement on the county's
863 website no later than seven business days after the statement is filed; and

864 (B) verifying that the address of the county's website has been provided to the

865 lieutenant governor in order to comply with Subsection 20A-11-103(5); or
866 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
867 website established by the lieutenant governor under Section 20A-11-103 no later than two
868 business days after the statement is filed.

869 Section 17. Section **17-16-308**, which is renumbered from Section 17-16-203 is
870 renumbered and amended to read:

871 ~~[17-16-203]~~. **17-16-308. Personal use expenditure -- Authorized and**
872 **prohibited uses of campaign funds -- Enforcement -- Penalties.**

873 (1) A county office candidate, elected county officer, local school board candidate, or
874 local school board member may not use money deposited into the separate bank account
875 ~~[required under Section 17-16-6.5]~~ described in Section 17-16-305 or 17-16-306 for:

876 (a) a personal use expenditure; or

877 (b) an expenditure prohibited by law.

878 (2) (a) A county clerk shall enforce this section prohibiting a personal use expenditure
879 by:

880 (i) evaluating a financial statement to identify a personal use expenditure; and

881 (ii) commencing an adjudicative proceeding in accordance with applicable county
882 ordinance or policy if the county clerk has probable cause to believe a county office candidate,
883 elected county officer, local school board candidate, or local school board member has made a
884 personal use expenditure.

885 (b) Following the proceeding, the county clerk may issue a signed order requiring a
886 county office candidate, elected county officer, local school board candidate, or local school
887 board member who has made a personal use expenditure to:

888 (i) remit an administrative penalty of an amount equal to 50% of the personal use
889 expenditure to the county clerk; and

890 (ii) deposit the amount of the personal use expenditure in the campaign account from
891 which the personal use expenditure was disbursed.

892 (c) The county clerk shall deposit money received under Subsection (2)(b)(i) into the
893 county's general fund.

894 Section 18. Section **17-16-309**, which is renumbered from Section 17-16-10.5 is
895 renumbered and amended to read:

896 ~~[17-16-10.5].~~ 17-16-309. Failure to perform duties constitutes malfeasance
897 **in office -- Felony charges arising from official duties -- Paid administrative leave --**
898 **Reassignment of duties.**

899 (1) The failure of an elected county officer or prosecution district officer substantially
900 to perform the officer's official duties constitutes malfeasance in office under Section 77-6-1.

901 (2) (a) If an elected county officer or prosecution district officer is charged with the
902 commission of a felony arising from conduct related to the officer's official duties, the ~~[officer~~
903 ~~shall be placed]~~ county's legislative body shall place the officer on paid administrative leave
904 ~~[by the county legislative body]~~ until:

905 (i) the charges are dismissed or the officer is acquitted, at which time the officer shall
906 be entitled to return to office, unless the officer's term of office has in the meantime expired; or

907 (ii) the officer is convicted of a felony or attempt to commit a felony arising from
908 conduct related to the officer's official duties, in which case the sentencing judge shall order the
909 officer removed from office.

910 (b) A conviction or a plea of guilty or nolo contendere, relating to a felony charge
911 described in Subsection (2)(a), constitutes malfeasance in office for purposes of Section
912 77-6-1.

913 (c) Entry of a plea in abeyance is the equivalent of a conviction for purposes of
914 Subsection (2)(a)(ii), even if the charge is later dismissed pursuant to a plea in abeyance
915 agreement.

916 (d) The provisions under this Subsection (2) for the removal of a county or prosecution
917 district officer are in addition to and do not replace or supersede the removal provisions under
918 Title 77, Chapter 6, Removal by Judicial Proceedings.

919 (3) (a) During the time that an elected county officer or prosecution district officer is
920 on paid administrative leave under Subsection (2), the officer's duties may, except as provided
921 in Subsection (3)(c), be temporarily:

922 (i) reassigned to another officer by the county legislative body; or

923 (ii) performed by a person employed for that purpose.

924 (b) For purposes of Subsection (3)(a) with respect to a prosecution district officer in a
925 multi-county prosecution district, "county legislative body" means the legislative bodies of all
926 counties included in the prosecution district.

927 (c) A reassignment under Subsection (3)(a) may not result in the same person
928 exercising the duties of:

- 929 (i) both a county legislative body member or county treasurer and county auditor; or
930 (ii) both a county executive and county auditor.

931 Section 19. Section ~~17-16-310~~, which is renumbered from Section 17-16-12 is
932 renumbered and amended to read:

933 ~~[17-16-12].~~ **17-16-310. Business to be finished before expiration of term.**

934 ~~[It shall be the duty of all officers in this title named to complete the business of their~~
935 ~~respective offices to the time of the expiration of their respective terms, and in case an officer~~
936 ~~at the close of his term shall leave to his]~~

937 (1) An elected county officer shall complete the business of the office the elected
938 county officer holds until the elected county officer's term expires.

939 (2) If an elected county officer leaves to the elected county officer's successor official
940 labor to be performed for which [he] the elected county officer has received compensation [or
941 which it was his], or that was the elected county officer's duty to perform, [he shall be] the
942 elected county officer is liable to pay [his] the successor the full value of [such service] that
943 labor.

944 Section 20. Section ~~17-16-311~~, which is renumbered from Section 17-16-14 is
945 renumbered and amended to read:

946 ~~[17-16-14].~~ **17-16-311. Salaries of elected county officers.**

947 ~~[The annual salaries of the officers of all counties in the state shall be fixed by the~~
948 ~~respective county legislative bodies]~~ The county legislative body shall fix the annual salary of
949 an elected county officer, provided no changes [shall be] are made in existing salaries of
950 [county officers] an elected county officer until the county legislative body [in a county
951 desiring to change existing salaries of county officers shall first hold] holds a public hearing at
952 which all interested persons [shall be] are given an opportunity to be heard.

953 Section 21. Section ~~17-16-312~~, which is renumbered from Section 17-16-18 is
954 renumbered and amended to read:

955 ~~[17-16-18].~~ **17-16-312. Salaries paid out of general fund.**

956 ~~[The]~~ Upon the order of the county legislative body, the salaries of elected county
957 officers shall be paid monthly, semi-monthly, or bi-weekly, as determined by the county

958 legislative body, out of the county general fund or the county salary fund [~~upon the order of the~~
959 ~~county legislative body~~].

960 Section 22. Section **17-16-313**, which is renumbered from Section 17-16-19 is
961 renumbered and amended to read:

962 ~~[17-16-19]~~. **17-16-313. Salaries to be full compensation -- Compensation for**
963 **deputies.**

964 (1) [~~The salaries herein provided for~~] The salary described in Section 17-16-312 shall
965 be full compensation for all services [of every kind and description rendered by the officers
966 named herein; and where deputies or assistants have been allowed to any such officers the]
967 rendered by the elected county officer.

968 (2) The county legislative body shall fix the salary of any deputy or assistant [shall be
969 fixed by the county legislative body, and shall be a county charge] to an elected county officer.

970 Section 23. Section **17-16-314**, which is renumbered from Section 17-16-20 is
971 renumbered and amended to read:

972 ~~[17-16-20]~~. **17-16-314. Salaries in case of consolidated offices.**

973 [~~Whenever the county legislative body shall combine the duties of any county officers~~
974 ~~the salary of the person discharging the duties of such offices shall be fixed at a sum not~~
975 ~~exceeding] If the county legislative body consolidates elected county offices, the county
976 legislative body shall fix the salary for the office in an amount that does not exceed the sum of:~~

977 (1) the highest salary [paid to either of the officers whose offices are so combined, in
978 addition to an amount not exceeding] of the county offices that are combined; and

979 (2) (a) if only two offices are combined, one-half of the salary [fixed for the other
980 officer, when only two offices are combined, or when] of the other combined office; or

981 (b) if more than two offices are combined, [in addition to such highest salary,]
982 one-third of the combined salaries of [such other officers] all the other combined offices.

983 Section 24. Section **17-16-315**, which is renumbered from Section 17-16-17 is
984 renumbered and amended to read:

985 ~~[17-16-17]~~. **17-16-315. Change of class -- Effect on elected officer salaries --**
986 **Salaries for new counties.**

987 (1) (a) If the taxable value of any existing county has been reduced below or raised
988 above the class and rank first assumed, the county legislative body of the county shall:

1020 accordance with Title 17, Chapter 16, Part 5, Appointed County Officers.

1021 Section 28. Section **17-16-403** is enacted to read:

1022 **17-16-403. Procedure for initiating transition to appointing county -- Limitations.**

1023 (1) The process to become an appointing county may be initiated by:

1024 (a) the county legislative body under Section [17-16-404](#);

1025 (b) registered voters of the county under Section [17-16-405](#); or

1026 (c) through an optional plan adopted under Title 17, Chapter 52a, Changing Forms of
1027 County Government.

1028 (2) A county's election under this part to become an appointing county is permanent
1029 and may not be reversed.

1030 Section 29. Section **17-16-404** is enacted to read:

1031 **17-16-404. County legislative body initiation of change to appointing county --**

1032 **Procedure.**

1033 (1) A county legislative body may initiate the process to become an appointing county
1034 by adopting a resolution to submit to the voters the question whether the county should become
1035 an appointing county.

1036 (2) The county legislative body shall ensure that a resolution adopted under Subsection
1037 (1) requires the question described in Subsection (1) to be submitted to the registered voters of
1038 the county at the next regular general election in accordance with Subsection [17-16-408](#)(2).

1039 (3) A resolution adopted under this section may not be rescinded.

1040 Section 30. Section **17-16-405** is enacted to read:

1041 **17-16-405. Registered voter initiation of change to appointing county --**

1042 **Procedure.**

1043 (1) (a) Registered voters of a county may initiate the process to become an appointing
1044 county by filing with the county clerk a notice of intent to gather signatures for a petition to
1045 submit to the voters the question whether the county should become an appointing county.

1046 (b) Registered voters who submit a notice of intent described in Subsection (1)(a) shall
1047 ensure that the notice of intent:

1048 (i) designates five sponsors for the petition;

1049 (ii) designates a contact sponsor to serve as the primary contact for the petition
1050 sponsors;

1051 (iii) lists the mailing address and telephone number of each of the petition sponsors;
1052 and

1053 (iv) is signed by each of the petition sponsors.

1054 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of
1055 intent to gather signatures under Subsection (1).

1056 (b) To be considered valid, the petition shall be signed by registered voters residing in
1057 the county equal in number to at least 3% of the total number of votes cast in the county for all
1058 candidates for president of the United States at the most recent election at which a president of
1059 the United States was elected.

1060 (c) Except as provided in Subsection (5)(b)(ii), the sponsors of the petition shall submit
1061 the completed petition and any amended or supplemental petition described in Subsection (5)
1062 with the county clerk not more than 180 days after the day on which the sponsors file the notice
1063 described in Subsection (1).

1064 (3) Within 30 days after the day on which the sponsors submit a petition under
1065 Subsection (2)(c), or an amended or supplemental petition under Subsection (5), the county
1066 clerk shall:

1067 (a) determine whether the petition or amended or supplemental petition has been
1068 signed by the required number of registered voters; and

1069 (b) (i) if the petition was signed by a sufficient number of registered voters, the county
1070 clerk shall:

1071 (A) certify the petition;

1072 (B) deliver the petition to the county legislative body; and

1073 (C) notify the contact sponsor in writing of the certification; or

1074 (ii) if the petition was not signed by a sufficient number of registered voters:

1075 (A) reject the petition; and

1076 (B) notify the county legislative body and the contact sponsor in writing of the
1077 rejection and the reasons for the rejection.

1078 (4) A petition that is certified under Subsection (3) may not be rescinded.

1079 (5) The sponsors of a petition circulated under this section may submit amended or
1080 supplemental signatures for the petition:

1081 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

1082 (b) before the earlier of:

1083 (i) the deadline described in Subsection (2)(c); or

1084 (ii) 20 days after the day on which the county clerk rejects the petition under

1085 Subsection (3)(b)(ii).

1086 Section 31. Section **17-16-406** is enacted to read:

1087 **17-16-406. Public hearings.**

1088 The county legislative body shall hold two public hearings on a proposal to change to
1089 an appointing county within 45 days after the day on which:

1090 (1) the county legislative body adopts a resolution under Section [17-16-404](#); or

1091 (2) the county clerk certifies a petition described in Section [17-16-405](#) in accordance
1092 with Subsection [17-16-405](#)(3).

1093 Section 32. Section **17-16-407** is enacted to read:

1094 **17-16-407. Voter information pamphlet.**

1095 (1) In anticipation of an election described in Section [17-16-408](#), the county clerk may
1096 prepare a voter information pamphlet to inform the public of the proposal to become an
1097 appointing county.

1098 (2) In preparing a voter information pamphlet under this section, the county clerk may:

1099 (a) allow proponents and opponents of the proposal to become an appointing county to
1100 provide written statements to be included in the pamphlet; and

1101 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information
1102 Pamphlet.

1103 (3) A county clerk who prepares a voter information pamphlet under this section shall
1104 cause the publication and distribution of the pamphlet in a manner that the county clerk
1105 determines is adequate.

1106 Section 33. Section **17-16-408** is enacted to read:

1107 **17-16-408. Election to determine change to appointing county.**

1108 (1) The county legislative body shall hold an election under this section if:

1109 (a) the county legislative body adopts a resolution under Section [17-16-404](#); or

1110 (b) the county clerk certifies a petition described in Section [17-16-405](#) in accordance
1111 with Subsection [17-16-405](#)(3).

1112 (2) An election described in Subsection (1) shall be held:

1113 (a) on the date of the next regular general election if the resolution described in Section
1114 17-16-404 is adopted, or the petition described in Subsection 17-16-405(3) is certified, more
1115 than 75 days before the next regular general election; or

1116 (b) on the date of the regular general election following the next regular general
1117 election if the resolution described in Section 17-16-404 is adopted, or the petition described in
1118 Subsection 17-16-405(3) is certified, less than 75 days before the next regular general election.

1119 (3) The county clerk shall prepare the ballot for an election described in Subsection (1)
1120 with a question that asks substantially the following:

1121 "Shall _____ County change its governing structure so that the positions of county
1122 treasurer, clerk, auditor, recorder, surveyor, and assessor are filled by appointment rather than
1123 by election?".

1124 (4) A county clerk shall declare a proposal to become an appointing county as adopted
1125 by the voters if a majority of voters voting on the proposal vote in favor of the proposal.

1126 Section 34. Section 17-16-409 is enacted to read:

1127 **17-16-409. Adoption of change to appointing county -- Appointment of new**
1128 **county officers.**

1129 (1) If a county adopts a proposal to become an appointing county under Section
1130 17-16-408:

1131 (a) an appointment committee shall appoint individuals to fill appointed county offices
1132 in accordance with Section 17-16-503 no earlier than January 1 and no later than April 30
1133 following the election;

1134 (b) all public officers and employees shall cooperate fully in making the transition to
1135 an appointing county; and

1136 (c) the county legislative body may enact ordinances to facilitate the county's orderly
1137 transition to an appointing county.

1138 (2) Notwithstanding Section 17-16-304, an individual who holds an elected county
1139 office on the December 31 following an election at which a county adopts a proposal to
1140 become an appointing county shall continue to hold that office until a successor for the office is
1141 appointed in accordance with Section 17-16-503.

1142 (3) Subject to Subsection (2), and notwithstanding Section 20A-4-304, a county officer
1143 that is elected in the same election at which the voters approve a proposed change to become an

1144 appointing county may not take office.

1145 Section 35. Section **17-16-501** is enacted to read:

1146 **Part 5. Appointed County Officers**

1147 **17-16-501. Definitions.**

1148 As used in this part, "selection committee" means a county officer selection committee
1149 established under Section [17-16-503](#).

1150 Section 36. Section **17-16-502** is enacted to read:

1151 **17-16-502. Appointed county officers enumerated -- Provisions applicable to**
1152 **appointed county officers.**

1153 (1) Notwithstanding Title 17, Chapter 16, Part 3, Elected County Officers, the
1154 following county offices in an appointing county shall be filled by appointment in accordance
1155 with this part:

1156 (a) county treasurer;

1157 (b) county clerk;

1158 (c) county auditor;

1159 (d) county recorder;

1160 (e) county surveyor; and

1161 (f) county assessor.

1162 (2) The appointed county officers in an appointing county:

1163 (a) are not subject to Title 17, Chapter 16, Part 3, Elected County Officers; and

1164 (b) are subject to this part.

1165 (3) Notwithstanding Subsection (1), in counties having a taxable value of less than
1166 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
1167 duties of the office without additional compensation.

1168 Section 37. Section **17-16-503** is enacted to read:

1169 **17-16-503. Selection of appointed county officer -- Filling vacancies.**

1170 (1) A county officer selection committee shall appoint each appointed county officer in
1171 an appointing county by majority vote.

1172 (2) A selection committee is composed of the following three members:

1173 (a) one member of the county's governing body, selected by a majority vote of the
1174 county's governing body;

- 1175 (b) (i) the county's director of personnel management described in Section 17-33-5;
 1176 (ii) if the county does not have a director of personnel management, the county's
 1177 human resource manager or the functional equivalent of the county's human resource manager;
 1178 (iii) if the county does not have an individual described in Subsection (2)(b)(i) or (ii),
 1179 the county administrator or the functional equivalent of the county administrator; or
 1180 (iv) if the county does not have an individual described in Subsection (2)(b)(i) through
 1181 (iii), the county sheriff; and
 1182 (c) a third individual jointly selected by the members described in Subsections (2)(a)
 1183 and (b).
 1184 (3) The selection committee shall select an individual to fill a vacant appointed county
 1185 office:
 1186 (a) within 90 days after the day on which the office becomes vacant; or
 1187 (b) after an election described in Section 17-16-408, within the time period described
 1188 in Subsection 17-16-409(1)(a).
 1189 Section 38. Section **17-16-504** is enacted to read:
 1190 **17-16-504. Appointed county officers employees of the county.**
 1191 (1) An appointed county office is a permanent, full-time, career service position of the
 1192 county under Title 17, Chapter 33, County Personnel Management Act.
 1193 (2) Except as provided in this part, a county shall provide for the recruitment, hiring,
 1194 compensation, discipline, and termination of an appointed county officer in accordance with
 1195 Title 17, Chapter 33, County Personnel Management Act.
 1196 Section 39. Section **17-16-505** is enacted to read:
 1197 **17-16-505. Terminating appointed county official.**
 1198 (1) An appointed county officer may be terminated only by a majority vote of a
 1199 selection committee.
 1200 (2) Except as provided in Subsection (3), a selection committee may only terminate an
 1201 appointed county officer for cause.
 1202 (3) A selection committee may terminate an appointed county officer without cause
 1203 during the probationary period described in Subsection 17-33-5(3)(b)(viii).
 1204 Section 40. Section **17-16a-4** is amended to read:
 1205 **17-16a-4. Prohibited use of official position -- Exception.**

1206 (1) Except as provided in Subsection (3) or (5), it is an offense for an elected or
1207 appointed officer to:

1208 (a) disclose confidential information acquired by reason of the officer's official position
1209 or use that information to secure special privileges or exemptions for [~~himself~~] the officer or
1210 others;

1211 (b) use or attempt to use the officer's official position to secure special privileges for
1212 the officer or for others; or

1213 (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or
1214 loan for the officer or for another, if the gift or loan tends to influence the officer in the
1215 discharge of the officer's official duties.

1216 (2) This section is inapplicable to:

1217 (a) an occasional nonpecuniary gift having a value of less than \$50;

1218 (b) an award publicly presented;

1219 (c) any bona fide loan made in the ordinary course of business; or

1220 (d) political campaign contributions subject to Section [~~17-16-6.5~~] 17-16-305 or
1221 17-16-306.

1222 (3) A member of a county legislative body who is also a member of the governing
1223 board of a provider of mental health or substance abuse services under contract with the county
1224 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the
1225 duties and responsibilities of each position, if the county legislative body member does not
1226 participate in the process of selecting the mental health or substance abuse service provider.

1227 (4) Notwithstanding the provisions of this section, a county or county official may
1228 encourage support from a public or private individual or institution, whether in financial
1229 contributions or by other means, on behalf of an organization or activity that benefits the
1230 community.

1231 (5) This section does not apply to an elected or appointed officer who engages in
1232 conduct that constitutes a violation of this section to the extent that the elected or appointed
1233 officer is chargeable, for the same conduct, under Section 76-8-105.

1234 Section 41. Section ~~17-17-1~~ is amended to read:

1235 **17-17-1. Duties of assessor -- Effective date of boundary changes for assessment.**

1236 (1) The assessor, in cooperation with the State Tax Commission, shall:

1237 (a) perform the duties required in Title 59, Chapter 2, Part 13, Collection of Taxes,
 1238 except those duties that have been reassigned to the treasurer in an ordinance adopted under
 1239 Section [~~17-16-5.5~~] [17-16-105](#); and

1240 (b) perform any other duties required by law.

1241 (2) An assessment shall be collected in accordance with the effective date and
 1242 boundary adjustment provisions in Subsection [17-2-209](#)(4).

1243 Section 42. Section ~~17-17-2~~ is amended to read:

1244 **17-17-2. Assessor to be state qualified -- Vacancy -- Filling vacancy.**

1245 (1) As used in this section:

1246 (a) "Selection committee" means the same as that term is defined in Section [17-16-501](#).

1247 [~~(a)~~] (b) "State-certified appraiser" means a state-certified general appraiser or
 1248 state-certified residential appraiser as those terms are defined in Section [61-2g-102](#).

1249 [~~(b)~~] (c) "State-licensed appraiser" means the same as that term is defined in Section
 1250 [61-2g-102](#).

1251 (2) (a) An individual elected to the office of county assessor shall[~~-(a)~~] meet the
 1252 requirements described in Section [~~17-16-1, and~~] [17-16-303](#).

1253 (b) An individual elected or appointed to the office of county assessor shall:

1254 (i) except as provided in Subsection (2)(b)(ii), [~~if elected on or after November 1,~~
 1255 ~~1993;~~] become a state-licensed or state-certified appraiser no later than 36 months after the day
 1256 on which the [~~individual's term of office begins~~] individual takes office; or

1257 (ii) if elected or appointed on or after January 1, 2010, in a county of the first, second,
 1258 or third class, be a state-licensed or state-certified appraiser before filing a declaration of
 1259 candidacy for or applying to fill the office of county assessor.

1260 (3) The county assessor's office is vacant if:

1261 (a) an assessor fails to meet the requirements described in Subsection (2); or

1262 (b) no individual who meets the requirements described in Subsection (2) timely files a
 1263 declaration of candidacy or, in an appointing county as defined in Section [17-16-103](#), submits
 1264 an application, for the office of county assessor.

1265 (4) (a) If a vacancy described in Subsection (3) occurs, the county legislative body
 1266 shall:

1267 (i) if the vacancy occurs in a county with an elected assessor, fill the vacancy in

1268 accordance with [~~Sections 17-53-104 and 20A-1-508;~~] Section 20A-1-508; or

1269 (ii) if the vacancy occurs in a county with an appointed assessor, fill the vacancy in
1270 accordance with Section 17-16-503.

1271 (b) The individual who the county legislative body selects to fill the vacancy under
1272 Section 20A-1-508, or that the selection committee selects to fill the vacancy under Section
1273 17-16-503, shall be a state-licensed or state-certified appraiser before the individual assumes
1274 the office of county assessor.

1275 (5) If the county legislative body or a selection committee cannot find an individual
1276 who meets the requirements described in Subsection (2) to fill a vacancy described in
1277 Subsection (3), the county legislative body may contract with a state-licensed or state-certified
1278 appraiser from outside the county to:

1279 (a) fill the remainder of the county assessor's term of office[-]; or

1280 (b) in a county with an appointed assessor, fill the office of county assessor until the
1281 selection committee finds an individual to fill the vacancy that meets the requirements
1282 described in Subsection (2).

1283 Section 43. Section ~~17-18a-204~~ is amended to read:

1284 **17-18a-204. Consolidated office.**

1285 Within a prosecution district, the duties and responsibilities of the district attorney and
1286 county attorney may be consolidated into one office as provided in Section [~~17-16-3~~]
1287 17-16-103.

1288 Section 44. Section ~~17-18a-301~~ is amended to read:

1289 **17-18a-301. County officers.**

1290 (1) The county attorney is an elected officer as described in Section [~~17-53-101~~]
1291 17-16-302.

1292 (2) (a) If the boundaries of a prosecution district are located entirely within one county,
1293 the district attorney of the prosecution district is an elected officer of that county.

1294 (b) If the boundaries of a prosecution district include more than one county, the
1295 interlocal agreement that creates that prosecution district in accordance with Section
1296 17-18a-602 may designate the district attorney as an elected officer in one or more of the
1297 counties in which the prosecution district is located.

1298 (3) The district attorney:

1299 (a) is a full-time employee of the prosecution district; and

1300 (b) may not engage in the private practice of law.

1301 (4) A county attorney may:

1302 (a) serve as a part-time employee; and

1303 (b) engage in the private practice of law, subject to Section 17-18a-605 and the Rules
1304 of Professional Conduct.

1305 Section 45. Section 17-18a-704, which is renumbered from Section 17-16-2.5 is
1306 renumbered and amended to read:

1307 ~~[17-16-2.5].~~ **17-18a-704. Creation of Office of District Attorney.**

1308 For each prosecution district created in accordance with ~~[Chapter 18a, Part 7,~~
1309 ~~Prosecution District]~~ this part, there is created the Office of District Attorney.

1310 Section 46. Section 17-20-1 is amended to read:

1311 **17-20-1. County clerk -- District court clerk duties.**

1312 (1) The county clerk is the clerk of the legislative body of the county. The clerk shall
1313 act as clerk of the district court in secondary counties of the state district court administrative
1314 system and those counties not in the system, and shall perform the duties listed in Section
1315 78A-5-108.

1316 (2) If the county clerk performs district court clerk functions, the legislative body of the
1317 county shall provide the clerk with deputies and employees to conduct district court business as
1318 considered necessary and advisable by the judge or judges of the district court, consistent with
1319 the level of funding for clerk services from the court administrator's office.

1320 Section 47. Section 17-23-1 is amended to read:

1321 **17-23-1. Filling office of county surveyor -- Requirement to be licensed land**
1322 **surveyor -- Authority to contract with licensed land surveyor if no elected county**
1323 **surveyor -- County surveyor duties.**

1324 (1) (a) ~~[The]~~ Except in an appointing county as provided in Title 17, Chapter 16, Part
1325 5, Appointed County Officers, the office of the county surveyor in each county shall be filled
1326 by election ~~[and, except].~~

1327 (b) Except as provided in Subsection (1)~~(b)~~(c), the county surveyor shall be a
1328 licensed professional land surveyor in the state.

1329 ~~(b)~~ (c) In a county where the office of county surveyor is consolidated under Section

1330 [17-16-103](#) with another [~~elected~~] office, all county surveying work shall be performed by a
1331 licensed professional land surveyor.

1332 ~~(c)~~ (d) In a county where there is no [~~elected~~] county surveyor that complies with
1333 Subsection (1)(b):

1334 (i) the county executive or legislative body may, consistent with Section [17-53-313](#),
1335 contract with a licensed professional land surveyor to perform those duties;

1336 (ii) all county survey work shall be done by a licensed land surveyor;

1337 (iii) the county recorder shall assume and perform all statutory functions and duties of
1338 the county surveyor related to the retention and maintenance of survey records;

1339 (iv) the recorder's office shall act as the county surveyor's office only for the purpose of
1340 accepting, retaining, and managing county survey records;

1341 (v) the county shall furnish sufficient office space, furniture, stationery, and record
1342 books necessary for the county recorder's office to fulfill its functions and duties under
1343 Subsection (1)~~(c)~~(d)(iv); and

1344 (vi) for purposes of this chapter, "county surveyor" means:

1345 (A) for purposes of the retention and management of county survey records, the county
1346 recorder; and

1347 (B) except as provided in Subsection (1)~~(c)~~(d)(vi)(A), the licensed land surveyor
1348 under contract with the county to perform county surveyor duties.

1349 (2) The county surveyor shall execute:

1350 (a) all orders directed to the surveyor by any court; and

1351 (b) all orders of survey required by the county executive or county legislative body.

1352 (3) (a) The surveyor of each county shall:

1353 (i) advise the county executive and county legislative body regarding all surveying
1354 work;

1355 (ii) perform or arrange for the performance of all surveying work for the county;

1356 (iii) permanently keep at county government offices at the county seat a fair and
1357 accurate record of all surveys made, including legal descriptions and geographic coordinates,
1358 all surveys received pursuant to Section [17-23-17](#), and all corner files received pursuant to
1359 Section [17-23-17.5](#);

1360 (iv) number progressively all surveys received and state by whom and for whom the

1361 surveys were made;

1362 (v) deliver a copy of any survey to any person or court requiring the survey after the
1363 payment of the fee established by the county legislative body;

1364 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
1365 United States Manual of Surveying Instructions in effect at the time the survey is completed;

1366 (vii) verify the correctness of or establish correct coordinates for all survey reference
1367 monuments set in place and shown on all subdivision maps and plats which have a spatial
1368 relationship with any section or quarter section corner; and

1369 (viii) perform other duties required by law.

1370 (b) In arranging for the performance of surveying work for the county under Subsection
1371 (3)(a)(ii), a surveyor may comply with Section [17-53-313](#).

1372 (4) (a) The county surveyor or ~~[his]~~ the county surveyor's designee shall establish all
1373 corners of government surveys and reestablish all corners of government surveys where corners
1374 have been destroyed and where witness markers or other evidences of the government corners
1375 remain so that the corners established by government survey can be positively located.

1376 (b) The corners shall be reestablished in the manner provided in Section [17-23-13](#) for
1377 establishing corners.

1378 (c) The county surveyor shall keep a separate record of the established and
1379 reestablished corners of government surveys, giving the date and names of persons present and
1380 shall provide those records to ~~[his]~~ the county surveyor's successor when ~~[he]~~ the county
1381 surveyor vacates ~~[his]~~ the county surveyor's office.

1382 (d) Established or reestablished corners shall be recognized as the legal and permanent
1383 corners.

1384 (5) The county executive or legislative body may direct the county surveyor or ~~[his]~~ the
1385 county surveyor's staff to perform engineering and architectural work if the county surveyor or
1386 ~~[his]~~ the county surveyor's staff is qualified and licensed to perform that work.

1387 Section 48. Section [17-23-2](#) is amended to read:

1388 **17-23-2. Office furnishings and supplies -- Filing and indexing fees -- Records**
1389 **remain county property.**

1390 (1) The county shall furnish an office, furniture, and all stationery and record books
1391 necessary for the surveyor's office.

1392 (2) The county legislative body, by ordinance or resolution, may establish the fee to be
1393 collected by the county for filing and indexing a map of a survey. Fees for filing of maps under
1394 Section 17-23-17 shall be governed by Section 17-23-19.

1395 (3) All records, maps, plats, profiles, calculations, and field notes of all surveys made
1396 by the county surveyor in an official capacity [~~during the surveyor's term of~~] while the surveyor
1397 holds the office, or by persons designated by the surveyor to do survey work on behalf of the
1398 county, or maps of a survey filed under Section 17-23-17, shall be the property of the county,
1399 open to the inspection of any person, and shall be delivered by the surveyor to a successor in
1400 office.

1401 Section 49. Section 17-24-1 is amended to read:

1402 **17-24-1. General duties of treasurer.**

1403 The county treasurer shall:

1404 (1) receive all money belonging to the county and all other money by law directed to be
1405 paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness
1406 issued under Title 11, Chapter 14, Local Government Bonding Act;

1407 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
1408 Management Act;

1409 (3) keep a record of the receipts and expenditures of all such money;

1410 (4) disburse county money:

1411 (a) on a county warrant issued by the county auditor; or

1412 (b) subject to Section 17-19a-301, by a county check or such other payment mechanism
1413 as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;

1414 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
1415 Collection of Taxes;

1416 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
1417 been reassigned to the treasurer in an ordinance adopted under Section [~~17-16-5.5~~] 17-16-105;

1418 (7) provide the notice required under Section 10-11-4 or 17B-1-902; and

1419 (8) perform other duties that are required by law or ordinance.

1420 Section 50. Section 17-33-8 is amended to read:

1421 **17-33-8. Career service -- Exempt positions.**

1422 (1) The career service:

- 1423 (a) is a permanent service to which this chapter applies; and
- 1424 (b) comprises all tenured county positions in the public service, except:
- 1425 (i) subject to Subsection (2):
- 1426 (A) the county executive, members of the county legislative body, and other elected
- 1427 officials; and
- 1428 (B) each major department head charged directly by the county legislative body, or by a
- 1429 board appointed by the county legislative body, with the responsibility of assisting to formulate
- 1430 and carry out policy matters;
- 1431 (ii) one confidential secretary for each elected county officer and major department
- 1432 head, if a confidential secretary is assigned;
- 1433 (iii) an administrative assistant to the county executive, each member of the county
- 1434 legislative body, and each elected official, if an administrative assistant is assigned;
- 1435 (iv) each duly appointed chief deputy of any elected county officer who takes over and
- 1436 discharges the duties of the elected county officer in the absence or disability of the elected
- 1437 county officer;
- 1438 (v) subject to Subsection (3), a person who is:
- 1439 (A) appointed by an elected county officer to be a division director, to administer
- 1440 division functions in furtherance of the performance of the elected officer's professional duties;
- 1441 (B) in a confidential relationship with the elected county officer; and
- 1442 (C) not in a law enforcement rank position of captain or below;
- 1443 (vi) each person employed to make or conduct a temporary and special inquiry,
- 1444 investigation, or examination on behalf of the county legislative body or one of its committees;
- 1445 (vii) each noncareer employee:
- 1446 (A) compensated for the employee's services on a seasonal or contractual basis; and
- 1447 (B) hired on emergency or seasonal appointment basis, as approved by the council; and
- 1448 (viii) each provisional employee, as defined by the county's policies and procedures or
- 1449 its rules and regulations;
- 1450 (ix) each part-time employee, as defined by the county's policies and procedures or its
- 1451 rules and regulations;
- 1452 (x) each employee appointed to perform:
- 1453 (A) work that does not exceed three years in duration; or

1454 (B) work with limited funding; and

1455 (xi) each position that[-];

1456 (A) by its confidential or key policy-determining nature, cannot or should not be
1457 appropriately included in the career service[-]; and

1458 (B) is not an appointed county officer under Title 17, Chapter 16, Part 5, Appointed
1459 County Officers.

1460 (2) Before a position under Subsection (1)(b)(i) may be changed from its current status
1461 to exempt or tenured, the career service council shall, after giving due notice, hold a public
1462 hearing on the proposed change of status.

1463 (3) (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a
1464 nonexempt employee on May 5, 2008 in a position described in that subsection to lose the
1465 nonexempt status.

1466 (b) The elected county officer in a supervisory position over an employee described in
1467 Subsection (3)(a) shall work with the county's office of personnel management to develop
1468 financial and other incentives to encourage a nonexempt employee to convert voluntarily to
1469 exempt status.

1470 (4) (a) Rules and regulations promulgated under this chapter shall list by job title and
1471 department, office or agency, each position designated as exempt under Subsection (1)(b)(xi).

1472 (b) A change in exempt status of a position designated as being exempt under
1473 Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under
1474 this chapter.

1475 Section 51. Section **17-52a-204** is amended to read:

1476 **17-52a-204. Council-manager form of county government.**

1477 (1) (a) The following shall govern a county operating under the form of government
1478 known as the "council-manager" form:

1479 (i) an elected county council;

1480 (ii) a county manager appointed by the council; and

1481 (iii) other officers and employees authorized by law.

1482 (b) The optional plan shall provide for the qualifications, time and manner of
1483 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of
1484 the county manager.

1485 (2) The county manager is the administrative head of the county government and has
1486 the powers, functions, and duties of a county executive, except:

1487 (a) as the county legislative body otherwise provides by ordinance; and

1488 (b) that the county manager may not veto any ordinances enacted by the council.

1489 (3) (a) A member of the council may not directly or indirectly, by suggestion or
1490 otherwise:

1491 (i) attempt to influence or coerce the manager in:

1492 (A) making any appointment;

1493 (B) removing any officer or employee; or

1494 (C) purchasing supplies;

1495 (ii) attempt to exact any promise relative to any appointment from any candidate for
1496 manager; or

1497 (iii) discuss directly or indirectly with the manager the matter of specific appointments
1498 to any county office or employment.

1499 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the
1500 office of the offending member of the council.

1501 (ii) Nothing in this section shall be construed, however, as prohibiting the council
1502 while in open session from fully and freely discussing with or suggesting to the manager
1503 anything pertaining to county affairs or the interests of the county.

1504 (iii) Neither manager nor any person in the employ of the county shall take part in
1505 securing, or contributing any money toward, the nomination or election of any candidate for a
1506 county office.

1507 (iv) The optional plan may provide procedures for implementing this Subsection (3).

1508 (4) In the council-manager form of county government:

1509 (a) the legislative powers of the county are vested in the county council; and

1510 (b) the executive powers of the county are vested in the county manager.

1511 (5) A reference in statute or state rule to the "governing body" or the "board of county
1512 commissioners" of the county, in the council-manager form of county government, means:

1513 (a) the county council, with respect to legislative functions, duties, and powers; and

1514 (b) the county manager, with respect to executive functions, duties, and powers.

1515 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of

1516 time that:

1517 (i) begins on the day on which a general election described in Section [~~17-16-6~~]

1518 17-16-304 is held to elect a council member; and

1519 (ii) ends on the day on which the council member-elect begins the council member's

1520 term.

1521 (b) (i) The county council may not appoint a county manager during an interim vacancy

1522 period.

1523 (ii) Notwithstanding Subsection (6)(b)(i):

1524 (A) the county council may appoint an interim county manager during an interim

1525 vacancy period; and

1526 (B) the interim county manager's term shall expire once a new county manager is

1527 appointed by the new administration after the interim vacancy period has ended.

1528 (c) Subsection (6)(b) does not apply if all the county council members who held office

1529 on the day of the county general election whose term of office was vacant for the election are

1530 re-elected to the council for the following term.

1531 (7) A county council that appoints a county manager in accordance with this section

1532 may not, on or after May 10, 2011, enter into an employment contract that contains an

1533 automatic renewal provision with the county manager.

1534 Section 52. Section ~~17-52a-404~~ is amended to read:

1535 **17-52a-404. Contents of proposed optional plan.**

1536 (1) The study committee, a county legislative body that adopts a resolution described in

1537 Subsection ~~17-52a-302~~(1)(b), or the sponsors of a petition described in Subsection

1538 ~~17-52a-303~~(1)(a)(ii) shall ensure that each optional plan the committee, legislative body, or

1539 registered voters propose under this chapter, respectively:

1540 (a) proposes the adoption of one of the forms of county government listed in

1541 Subsection ~~17-52a-405~~(1)(a);

1542 (b) contains detailed provisions relating to the transition from the existing form of

1543 county government to the form proposed in the optional plan, including provisions relating to

1544 the:

1545 (i) [~~election or appointment of~~] selection of county officers specified in the optional

1546 plan for the new form of county government, including whether the county will be an

1547 appointing county under Title 17, Chapter 16, County Officers;

1548 (ii) retention, elimination, or combining of existing offices and, if an office is
1549 eliminated, the division or department of county government responsible for performing the
1550 duties of the eliminated office;

1551 (iii) continuity of existing ordinances and regulations;

1552 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1553 (v) making of interim and temporary appointments; and

1554 (vi) preparation, approval, and adjustment of necessary budget appropriations;

1555 (c) specifies the date the optional plan becomes effective if adopted, which may not be
1556 earlier than the first day of January next following the election of officers under the new plan;
1557 and

1558 (d) notwithstanding any other provision of this title and except with respect to an
1559 optional plan that proposes the adoption of the county commission or expanded county
1560 commission form of government, with respect to the county budget provides that:

1561 (i) the county executive's role is to prepare and present a proposed budget to the county
1562 legislative body; and

1563 (ii) the county legislative body's role is to adopt a final budget.

1564 (2) Subject to Subsection (3), an optional plan may include provisions that are
1565 considered necessary or advisable to the effective operation of the proposed optional plan.

1566 (3) An optional plan may not include any provision that is inconsistent with or
1567 prohibited by the Utah Constitution or any statute.

1568 (4) The optional plan proponent described in Subsection (1) shall ensure that each
1569 optional plan proposing to change the form of government to the county executive-council
1570 form under Section [17-52a-203](#) or the council-manager form under Section [17-52a-204](#):

1571 (a) provides for the same executive and legislative officers as are specified in the
1572 applicable section for the form of government that the optional plan proposes;

1573 (b) provides for the election of the county council;

1574 (c) specifies the number of county council members, which shall be an odd number
1575 from three to nine;

1576 (d) specifies whether the members of the county council are to be elected from districts,
1577 at large, or by a combination of at large and by district;

1578 (e) specifies county council members' qualifications and terms and whether the terms
1579 are to be staggered;

1580 (f) contains procedures for filling vacancies on the county council, consistent with the
1581 provisions of Section 20A-1-508; and

1582 (g) states the initial compensation, if any, of county council members and procedures
1583 for prescribing and changing compensation.

1584 (5) The optional plan proponent described in Subsection (1) shall ensure that each
1585 optional plan proposing to change the form of government to the county commission form
1586 under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202
1587 specifies:

1588 (a) (i) for the county commission form of government, that the county commission
1589 shall have three members; or

1590 (ii) for the expanded county commission form of government, whether the county
1591 commission shall have five or seven members;

1592 (b) the terms of office for county commission members and whether the terms are to be
1593 staggered;

1594 (c) whether members of the county commission are to be elected from districts, at
1595 large, or by a combination of at large and from districts;

1596 (d) if any members of the county commission are to be elected from districts, the
1597 district residency requirements for those commission members; and

1598 (e) if any members of the county commission are to be elected at large, whether the
1599 election of county commission members is subject to the provisions of Subsection
1600 17-52a-201(6) or Subsection 17-52a-202(6).

1601 Section 53. Section 17-53-104 is amended to read:

1602 **17-53-104. Vacancy in a county office -- Vacancies in the office of county attorney**
1603 **or district attorney.**

1604 (1) Except as provided in Subsection (2) or (3), a vacancy in [a] an elected county
1605 office shall be filled as provided in Section 20A-1-508.

1606 (2) A vacancy in the office of county attorney or district attorney shall be filled as
1607 provided in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

1608 (3) A vacancy in an appointed county office, as defined in Section 17-16-102, shall be

1609 filled in accordance with Section 17-16-503.

1610 Section 54. Section 17-53-106 is amended to read:

1611 **17-53-106. Supervision of elected county officers -- Legislative body and**
1612 **executive may examine and audit accounts and conduct investigation.**

1613 (1) As used in this section, "professional duties" means a county elected officer's
1614 functions, duties, and responsibilities specifically provided for by law and includes:

1615 (a) the exercise of professional judgment and discretion reasonably related to the
1616 elected county officer's required functions, duties, and responsibilities; and

1617 (b) the management of deputies and other employees under the supervision of the
1618 elected county officer under statute or county ordinance, policy, or regulation.

1619 (2) (a) A county legislative body and a county executive each:

1620 (i) may generally direct and supervise all elected county officers and employees to
1621 ensure compliance with general county administrative ordinances, rules, or policies;

1622 (ii) may not direct or supervise other elected county officers or [~~their~~] an elected county
1623 officer's sworn deputies with respect to the performance of the professional duties of the
1624 elected county officers or the elected county officer's deputies;

1625 (iii) may examine and audit the accounts of all county officers having the care,
1626 management, collection, or distribution of money belonging to the county, appropriated to the
1627 county, or otherwise available for the county's use and benefit; and

1628 (iv) may investigate any matter pertaining to a county officer or to the county or its
1629 business or affairs, and may require the attendance of witnesses and take evidence in any such
1630 investigation.

1631 (b) In an investigation under Subsection (2)(a)(iv):

1632 (i) the county executive or any member of the county legislative body may issue
1633 subpoenas and administer oaths to witnesses; and

1634 (ii) if the county legislative body appoints members of the legislative body as a
1635 committee and confers on the committee power to hear or take evidence, the committee shall
1636 have the same power as the full county legislative body.

1637 (3) Nothing in this section may be construed to prohibit the county executive or county
1638 legislative body from initiating an action for removal or prosecution of an elected county
1639 officer as provided by statute.

1640 Section 55. Section 17-53-317 is amended to read:

1641 **17-53-317. Executive appointment with advice and consent of county legislative**
1642 **body.**

1643 (1) The appointment of a person to fill a position on a board, committee, or similar
1644 body whose membership is appointed by the county shall be by the county executive, with the
1645 advice and consent of the county legislative body.

1646 (2) (a) As used in this Subsection (2), "interim vacancy period" means:

1647 (i) for a county commission form or expanded county commission form of
1648 government, the period of time that:

1649 (A) begins on the day on which a general election described in Section [~~17-16-6~~]
1650 [17-16-304](#) is held to elect a commission member; and

1651 (B) ends on the day on which the commission member-elect begins the council
1652 member's term; or

1653 (ii) for a county executive-council form of government, the period of time that:

1654 (A) begins on the day on which a general election described in Section [~~17-16-6~~]
1655 [17-16-304](#) is held to elect a county executive; and

1656 (B) ends on the day on which the county executive-elect begins the county executive's
1657 term.

1658 (b) (i) A county commission in a county commission form of government, or a county
1659 commission in an expanded county commission form of government, may not appoint during
1660 an interim period vacancy a manager, a chief executive officer, a chief administrative officer,
1661 or a similar position to perform executive and administrative duties or functions.

1662 (ii) Notwithstanding Subsection (2)(b)(i):

1663 (A) a county commission in a county commission form of government, or a county
1664 commission in an expanded county commission form of government, may appoint an interim
1665 manager, a chief executive officer, a chief administrative officer, or a similar position during an
1666 interim vacancy period; and

1667 (B) the interim appointee's term shall expire once a new manager, a chief executive
1668 officer, a chief administrative officer, or a similar position is appointed by the new
1669 administration after the interim vacancy period has ended.

1670 (c) Subsection (2)(b) does not apply if all the county commission members who held

1671 office on the day of the county general election whose term of office was vacant for the
1672 election are re-elected to the county commission for the following term.

1673 (d) (i) A county executive in a county executive-council form of government may not
1674 appoint during an interim vacancy period a manager, a chief executive officer, a chief
1675 administrative officer, or a similar position to perform executive and administrative duties or
1676 functions.

1677 (ii) Notwithstanding Subsection (2)(d)(i):

1678 (A) a county executive in a county executive-council form of government may appoint
1679 an interim manager, a chief executive officer, a chief administrative officer, or a similar
1680 position during an interim vacancy period; and

1681 (B) the interim appointee's term shall expire once a new manager, a chief executive
1682 officer, a chief administrative officer, or a similar position is appointed by the new county
1683 executive after the interim vacancy period has ended.

1684 (e) Subsection (2)(d) does not apply if the county executive who held office on the day
1685 of the county general election is re-elected to the office of county executive for the following
1686 term.

1687 (3) A county commission in a county commission form of government, a county
1688 commission in an expanded county commission form of government, or a county executive in a
1689 county executive-council form of government that appoints a manager, a chief executive
1690 officer, a chief administrative officer, or a similar position in accordance with this section may
1691 not, on or after May 10, 2011, enter into an employment contract that contains an automatic
1692 renewal provision with the manager, chief executive officer, chief administrative officer, or
1693 similar position.

1694 Section 56. Section **17D-2-203** is amended to read:

1695 **17D-2-203. Local building authority board of directors.**

1696 (1) Except as provided in Subsection (3), the members of the governing body of the
1697 creating local entity constitute the authority board of the local building authority created by the
1698 creating local entity.

1699 (2) An authority board may be referred to as a board of trustees.

1700 (3) (a) For a local building authority whose creating local entity is a county that
1701 operates under the county commission form of government under Section [17-52a-201](#), two

1702 members of the authority board may appoint an elected officer of the county to serve
1703 temporarily as a member of the authority board if the other authority board member:
1704 (i) is, as a member of the county commission, placed on paid administrative leave
1705 under Section [~~17-16-10.5~~] 17-16-309;
1706 (ii) is unable to serve due to a disability;
1707 (iii) has a conflict of interest with respect to a matter before the authority board that
1708 disqualifies the authority board member or causes the member to abstain from participating in
1709 action on that matter; or
1710 (iv) is unable for any other reason to serve temporarily on the authority board or to
1711 participate in a matter before the board.
1712 (b) An elected county officer appointed to an authority board under Subsection (3)(a)
1713 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need
1714 for the appointment is no longer present.
1715 Section 57. Section **20A-1-102** is amended to read:
1716 **20A-1-102. Definitions.**
1717 As used in this title:
1718 (1) "Active voter" means a registered voter who has not been classified as an inactive
1719 voter by the county clerk.
1720 (2) "Automatic tabulating equipment" means apparatus that automatically examines
1721 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.
1722 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
1723 upon which a voter records the voter's votes.
1724 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
1725 envelopes.
1726 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
1727 (a) contain the names of offices and candidates and statements of ballot propositions to
1728 be voted on; and
1729 (b) are used in conjunction with ballot sheets that do not display that information.
1730 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
1731 on the ballot for their approval or rejection including:
1732 (a) an opinion question specifically authorized by the Legislature;

- 1733 (b) a constitutional amendment;
- 1734 (c) an initiative;
- 1735 (d) a referendum;
- 1736 (e) a bond proposition;
- 1737 (f) a judicial retention question;
- 1738 (g) an incorporation of a city or town; or
- 1739 (h) any other ballot question specifically authorized by the Legislature.
- 1740 (6) "Ballot sheet":
- 1741 (a) means a ballot that:
- 1742 (i) consists of paper or a card where the voter's votes are marked or recorded; and
- 1743 (ii) can be counted using automatic tabulating equipment; and
- 1744 (b) includes punch card ballots and other ballots that are machine-countable.
- 1745 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
- 1746 together with a staple or stitch in at least three places across the top of the paper in the blank
- 1747 space reserved for securing the paper.
- 1748 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 1749 [20A-4-306](#) to canvass election returns.
- 1750 (9) "Bond election" means an election held for the purpose of approving or rejecting
- 1751 the proposed issuance of bonds by a government entity.
- 1752 (10) "Book voter registration form" means voter registration forms contained in a
- 1753 bound book that are used by election officers and registration agents to register persons to vote.
- 1754 (11) "Business reply mail envelope" means an envelope that may be mailed free of
- 1755 charge by the sender.
- 1756 (12) "By-mail voter registration form" means a voter registration form designed to be
- 1757 completed by the voter and mailed to the election officer.
- 1758 (13) "Canvass" means the review of election returns and the official declaration of
- 1759 election results by the board of canvassers.
- 1760 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 1761 the canvass.
- 1762 (15) "Contracting election officer" means an election officer who enters into a contract
- 1763 or interlocal agreement with a provider election officer.

1764 (16) "Convention" means the political party convention at which party officers and
1765 delegates are selected.

1766 (17) "Counting center" means one or more locations selected by the election officer in
1767 charge of the election for the automatic counting of ballots.

1768 (18) "Counting judge" means a poll worker designated to count the ballots during
1769 election day.

1770 (19) "Counting room" means a suitable and convenient private place or room,
1771 immediately adjoining the place where the election is being held, for use by the poll workers
1772 and counting judges to count ballots during election day.

1773 (20) (a) "County officers" means those county officers that are required by law to be
1774 elected.

1775 (b) "County officers" does not include an appointed county officer as defined in
1776 Section 17-16-102.

1777 (21) "Date of the election" or "election day" or "day of the election":

1778 (a) means the day that is specified in the calendar year as the day that the election
1779 occurs; and

1780 (b) does not include:

1781 (i) deadlines established for absentee voting; or

1782 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
1783 Voting.

1784 (22) "Elected official" means:

1785 (a) a person elected to an office under Section 20A-1-303 or [~~Title 20A,~~] Chapter 4,
1786 Part 6, Municipal Alternate Voting Methods Pilot Project;

1787 (b) a person who is considered to be elected to a municipal office in accordance with
1788 Subsection 20A-1-206(1)(c)(ii); or

1789 (c) a person who is considered to be elected to a local district office in accordance with
1790 Subsection 20A-1-206(3)(c)(ii).

1791 (23) "Election" means a regular general election, a municipal general election, a
1792 statewide special election, a local special election, a regular primary election, a municipal
1793 primary election, and a local district election.

1794 (24) "Election Assistance Commission" means the commission established by the Help

- 1795 America Vote Act of 2002, Pub. L. No. 107-252.
- 1796 (25) "Election cycle" means the period beginning on the first day persons are eligible to
1797 file declarations of candidacy and ending when the canvass is completed.
- 1798 (26) "Election judge" means a poll worker that is assigned to:
- 1799 (a) preside over other poll workers at a polling place;
- 1800 (b) act as the presiding election judge; or
- 1801 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1802 (27) "Election officer" means:
- 1803 (a) the lieutenant governor, for all statewide ballots and elections;
- 1804 (b) the county clerk for:
- 1805 (i) a county ballot and election; and
- 1806 (ii) a ballot and election as a provider election officer as provided in Section
1807 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1808 (c) the municipal clerk for:
- 1809 (i) a municipal ballot and election; and
- 1810 (ii) a ballot and election as a provider election officer as provided in Section
1811 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1812 (d) the local district clerk or chief executive officer for:
- 1813 (i) a local district ballot and election; and
- 1814 (ii) a ballot and election as a provider election officer as provided in Section
1815 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 1816 (e) the business administrator or superintendent of a school district for:
- 1817 (i) a school district ballot and election; and
- 1818 (ii) a ballot and election as a provider election officer as provided in Section
1819 [20A-5-400.1](#) or [20A-5-400.5](#).
- 1820 (28) "Election official" means any election officer, election judge, or poll worker.
- 1821 (29) "Election results" means:
- 1822 (a) for an election other than a bond election, the count of votes cast in the election and
1823 the election returns requested by the board of canvassers; or
- 1824 (b) for bond elections, the count of those votes cast for and against the bond
1825 proposition plus any or all of the election returns that the board of canvassers may request.

1826 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
1827 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
1828 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
1829 form, and the total votes cast form.

1830 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
1831 device or other voting device that records and stores ballot information by electronic means.

1832 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
1833 or logically associated with a record and executed or adopted by a person with the intent to sign
1834 the record.

1835 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

1836 (b) "Electronic voting device" includes a direct recording electronic voting device.

1837 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
1838 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

1839 (35) "Judicial office" means the office filled by any judicial officer.

1840 (36) "Judicial officer" means any justice or judge of a court of record or any county
1841 court judge.

1842 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
1843 Local Government Entities - Local Districts, and includes a special service district under Title
1844 17D, Chapter 1, Special Service District Act.

1845 (38) "Local district officers" means those local district board members that are required
1846 by law to be elected.

1847 (39) "Local election" means a regular county election, a regular municipal election, a
1848 municipal primary election, a local special election, a local district election, and a bond
1849 election.

1850 (40) "Local political subdivision" means a county, a municipality, a local district, or a
1851 local school district.

1852 (41) "Local special election" means a special election called by the governing body of a
1853 local political subdivision in which all registered voters of the local political subdivision may
1854 vote.

1855 (42) "Municipal executive" means:

1856 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

- 1857 (b) the mayor in the council-manager form of government defined in Subsection
1858 [10-3b-103\(7\)](#); or
- 1859 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).
- 1860 (43) "Municipal general election" means the election held in municipalities and, as
1861 applicable, local districts on the first Tuesday after the first Monday in November of each
1862 odd-numbered year for the purposes established in Section [20A-1-202](#).
- 1863 (44) "Municipal legislative body" means:
- 1864 (a) the council of the city or town in any form of municipal government; or
1865 (b) the council of a metro township.
- 1866 (45) "Municipal office" means an elective office in a municipality.
- 1867 (46) "Municipal officers" means those municipal officers that are required by law to be
1868 elected.
- 1869 (47) "Municipal primary election" means an election held to nominate candidates for
1870 municipal office.
- 1871 (48) "Municipality" means a city, town, or metro township.
- 1872 (49) "Official ballot" means the ballots distributed by the election officer to the poll
1873 workers to be given to voters to record their votes.
- 1874 (50) "Official endorsement" means:
- 1875 (a) the information on the ballot that identifies:
- 1876 (i) the ballot as an official ballot;
1877 (ii) the date of the election; and
1878 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
1879 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or
1880 (B) for a ballot prepared by a county clerk, the words required by Subsection
1881 [20A-6-301\(1\)\(b\)\(iii\)](#); and
- 1882 (b) the information on the ballot stub that identifies:
- 1883 (i) the poll worker's initials; and
1884 (ii) the ballot number.
- 1885 (51) "Official register" means the official record furnished to election officials by the
1886 election officer that contains the information required by Section [20A-5-401](#).
- 1887 (52) "Paper ballot" means a paper that contains:

- 1888 (a) the names of offices and candidates and statements of ballot propositions to be
1889 voted on; and
- 1890 (b) spaces for the voter to record the voter's vote for each office and for or against each
1891 ballot proposition.
- 1892 (53) "Political party" means an organization of registered voters that has qualified to
1893 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
1894 and Procedures.
- 1895 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
1896 election, voting, or counting votes.
- 1897 (b) "Poll worker" includes election judges.
- 1898 (c) "Poll worker" does not include a watcher.
- 1899 (55) "Pollbook" means a record of the names of voters in the order that they appear to
1900 cast votes.
- 1901 (56) "Polling place" means the building where voting is conducted.
- 1902 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
1903 in which the voter marks the voter's choice.
- 1904 (58) "Primary convention" means the political party conventions held during the year
1905 of the regular general election.
- 1906 (59) "Protective counter" means a separate counter, which cannot be reset, that:
- 1907 (a) is built into a voting machine; and
- 1908 (b) records the total number of movements of the operating lever.
- 1909 (60) "Provider election officer" means an election officer who enters into a contract or
1910 interlocal agreement with a contracting election officer to conduct an election for the
1911 contracting election officer's local political subdivision in accordance with Section
1912 [20A-5-400.1](#).
- 1913 (61) "Provisional ballot" means a ballot voted provisionally by a person:
- 1914 (a) whose name is not listed on the official register at the polling place;
- 1915 (b) whose legal right to vote is challenged as provided in this title; or
- 1916 (c) whose identity was not sufficiently established by a poll worker.
- 1917 (62) "Provisional ballot envelope" means an envelope printed in the form required by
1918 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to

1919 verify a person's legal right to vote.

1920 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the
1921 duties of the position for which the person was elected.

1922 (64) "Receiving judge" means the poll worker that checks the voter's name in the
1923 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
1924 after the voter has voted.

1925 (65) "Registration form" means a book voter registration form and a by-mail voter
1926 registration form.

1927 (66) "Regular ballot" means a ballot that is not a provisional ballot.

1928 (67) "Regular general election" means the election held throughout the state on the first
1929 Tuesday after the first Monday in November of each even-numbered year for the purposes
1930 established in Section [20A-1-201](#).

1931 (68) "Regular primary election" means the election on the fourth Tuesday of June of
1932 each even-numbered year, to nominate candidates of political parties and candidates for
1933 nonpartisan local school board positions to advance to the regular general election.

1934 (69) "Resident" means a person who resides within a specific voting precinct in Utah.

1935 (70) "Sample ballot" means a mock ballot similar in form to the official ballot printed
1936 and distributed as provided in Section [20A-5-405](#).

1937 (71) "Scratch vote" means to mark or punch the straight party ticket and then mark or
1938 punch the ballot for one or more candidates who are members of different political parties or
1939 who are unaffiliated.

1940 (72) "Secrecy envelope" means the envelope given to a voter along with the ballot into
1941 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
1942 the voter's vote.

1943 (73) "Special election" means an election held as authorized by Section [20A-1-203](#).

1944 (74) "Spoiled ballot" means each ballot that:

1945 (a) is spoiled by the voter;

1946 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1947 (c) lacks the official endorsement.

1948 (75) "Statewide special election" means a special election called by the governor or the
1949 Legislature in which all registered voters in Utah may vote.

- 1950 (76) "Stub" means the detachable part of each ballot.
- 1951 (77) "Substitute ballots" means replacement ballots provided by an election officer to
1952 the poll workers when the official ballots are lost or stolen.
- 1953 (78) "Ticket" means a list of:
- 1954 (a) political parties;
- 1955 (b) candidates for an office; or
- 1956 (c) ballot propositions.
- 1957 (79) "Transfer case" means the sealed box used to transport voted ballots to the
1958 counting center.
- 1959 (80) "Vacancy" means the absence of a person to serve in any position created by
1960 statute, whether that absence occurs because of death, disability, disqualification, resignation,
1961 or other cause.
- 1962 (81) "Valid voter identification" means:
- 1963 (a) a form of identification that bears the name and photograph of the voter which may
1964 include:
- 1965 (i) a currently valid Utah driver license;
- 1966 (ii) a currently valid identification card that is issued by:
- 1967 (A) the state; or
- 1968 (B) a branch, department, or agency of the United States;
- 1969 (iii) a currently valid Utah permit to carry a concealed weapon;
- 1970 (iv) a currently valid United States passport; or
- 1971 (v) a currently valid United States military identification card;
- 1972 (b) one of the following identification cards, whether or not the card includes a
1973 photograph of the voter:
- 1974 (i) a valid tribal identification card;
- 1975 (ii) a Bureau of Indian Affairs card; or
- 1976 (iii) a tribal treaty card; or
- 1977 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear
1978 the name of the voter and provide evidence that the voter resides in the voting precinct, which
1979 may include:
- 1980 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the

- 1981 election;
- 1982 (ii) a bank or other financial account statement, or a legible copy thereof;
- 1983 (iii) a certified birth certificate;
- 1984 (iv) a valid social security card;
- 1985 (v) a check issued by the state or the federal government or a legible copy thereof;
- 1986 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 1987 (vii) a currently valid Utah hunting or fishing license;
- 1988 (viii) certified naturalization documentation;
- 1989 (ix) a currently valid license issued by an authorized agency of the United States;
- 1990 (x) a certified copy of court records showing the voter's adoption or name change;
- 1991 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 1992 (xii) a currently valid identification card issued by:
- 1993 (A) a local government within the state;
- 1994 (B) an employer for an employee; or
- 1995 (C) a college, university, technical school, or professional school located within the
- 1996 state; or
- 1997 (xiii) a current Utah vehicle registration.
- 1998 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 1999 candidate by following the procedures and requirements of this title.
- 2000 (83) "Voter" means a person who:
- 2001 (a) meets the requirements for voting in an election;
- 2002 (b) meets the requirements of election registration;
- 2003 (c) is registered to vote; and
- 2004 (d) is listed in the official register book.
- 2005 (84) "Voter registration deadline" means the registration deadline provided in Section
- 2006 [20A-2-102.5](#).
- 2007 (85) "Voting area" means the area within six feet of the voting booths, voting
- 2008 machines, and ballot box.
- 2009 (86) "Voting booth" means:
- 2010 (a) the space or compartment within a polling place that is provided for the preparation
- 2011 of ballots, including the voting machine enclosure or curtain; or

2012 (b) a voting device that is free standing.

2013 (87) "Voting device" means:

2014 (a) an apparatus in which ballot sheets are used in connection with a punch device for
2015 piercing the ballots by the voter;

2016 (b) a device for marking the ballots with ink or another substance;

2017 (c) an electronic voting device or other device used to make selections and cast a ballot
2018 electronically, or any component thereof;

2019 (d) an automated voting system under Section 20A-5-302; or

2020 (e) any other method for recording votes on ballots so that the ballot may be tabulated
2021 by means of automatic tabulating equipment.

2022 (88) "Voting machine" means a machine designed for the sole purpose of recording
2023 and tabulating votes cast by voters at an election.

2024 (89) "Voting precinct" means the smallest voting unit established as provided by law
2025 within which qualified voters vote at one polling place.

2026 (90) "Watcher" means an individual who complies with the requirements described in
2027 Section 20A-3-201 to become a watcher for an election.

2028 (91) "Western States Presidential Primary" means the election established in Chapter 9,
2029 Part 8, Western States Presidential Primary.

2030 (92) "Write-in ballot" means a ballot containing any write-in votes.

2031 (93) "Write-in vote" means a vote cast for a person whose name is not printed on the
2032 ballot according to the procedures established in this title.

2033 Section 58. Section 20A-1-404 is amended to read:

2034 **20A-1-404. Election controversies.**

2035 (1) (a) (i) Whenever any controversy occurs between any election officer or other
2036 person or entity charged with any duty or function under this title and any candidate, or the
2037 officers or representatives of any political party, or persons who have made nominations, either
2038 party to the controversy may file a verified petition with the district court.

2039 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
2040 respondents on the same day that the petition is filed with the court.

2041 (b) The verified petition shall identify concisely the nature of the controversy and the
2042 relief sought.

- 2043 (2) After reviewing the petition, the court shall:
- 2044 (a) issue an order commanding the respondent named in the petition to appear before
- 2045 the court to answer, under oath, to the petition;
- 2046 (b) summarily hear and dispose of any issues raised by the petition to obtain:
- 2047 (i) strict compliance with all filing deadlines for financial disclosure reports under:
- 2048 (A) Section [10-3-208](#), regarding campaign finance statements in municipal elections;
- 2049 (B) [~~Section 17-16-6.5~~] [Sections 17-16-305 and 17-16-306](#), regarding campaign
- 2050 finance statements for county offices;
- 2051 (C) [~~Title 20A,~~] Chapter 11, Part 2, State Office Candidates - Campaign Organization
- 2052 and Financial Reporting Requirements;
- 2053 (D) [~~Title 20A,~~] Chapter 11, Part 3, Candidates for Legislative Office - Campaign
- 2054 Organization and Financial Reporting Requirements;
- 2055 (E) [~~Title 20A,~~] Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
- 2056 (F) [~~Title 20A,~~] Chapter 11, Part 5, Political Party Registration and Financial Reporting
- 2057 Requirements;
- 2058 (G) [~~Title 20A,~~] Chapter 11, Part 6, Political Action Committee Registration and
- 2059 Financial Reporting Requirements;
- 2060 (H) [~~Title 20A,~~] Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
- 2061 (I) [~~Title 20A,~~] Chapter 11, Part 8, Political Issues Committees - Registration and
- 2062 Financial Reporting;
- 2063 (J) [~~Title 20A,~~] Chapter 11, Part 13, State School Board Candidates; and
- 2064 (K) [~~Title 20A,~~] Chapter 12, Part 3, Campaign and Financial Reporting Requirements
- 2065 for Judicial Retention Elections; and
- 2066 (ii) substantial compliance with all other provisions of this title by the parties to the
- 2067 controversy; and
- 2068 (c) make and enter orders and judgments, and issue the process of the court to enforce
- 2069 all of those orders and judgments.

2070 Section 59. Section **20A-1-501** is amended to read:

2071 **20A-1-501. Candidate vacancies -- Procedure for filling.**

- 2072 (1) The state central committee of a political party, for candidates for United States
- 2073 senator, United States representative, governor, lieutenant governor, attorney general, state

2074 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
2075 more than one county, and the county central committee of a political party, for all other party
2076 candidates seeking an office elected at a regular general election, may certify the name of
2077 another candidate to the appropriate election officer if:

2078 (a) for a registered political party that will have a candidate on a ballot in a primary
2079 election, after the close of the period for filing a declaration of candidacy and continuing
2080 through the day before the day on which the lieutenant governor provides the list described in
2081 Subsection [20A-9-403\(4\)\(a\)](#):

2082 (i) only one or two candidates from that party have filed a declaration of candidacy for
2083 that office; and

2084 (ii) one or both:

2085 (A) dies;

2086 (B) resigns because of acquiring a physical or mental disability, certified by a
2087 physician, that prevents the candidate from continuing the candidacy; or

2088 (C) is disqualified by an election officer for improper filing or nominating procedures;

2089 (b) for a registered political party that does not have a candidate on the ballot in a
2090 primary, but that will have a candidate on the ballot for a general election, after the close of the
2091 period for filing a declaration of candidacy and continuing through the day before the day on
2092 which the lieutenant governor makes the certification described in Section [20A-5-409](#), the
2093 party's candidate:

2094 (i) dies;

2095 (ii) resigns because of acquiring a physical or mental disability as certified by a
2096 physician;

2097 (iii) is disqualified by an election officer for improper filing or nominating procedures;

2098 or

2099 (iv) resigns to become a candidate for president or vice president of the United States;

2100 or

2101 (c) for a registered political party with a candidate certified as winning a primary
2102 election, after the deadline described in Subsection (1)(a) and continuing through the day
2103 before that day on which the lieutenant governor makes the certification described in Section
2104 [20A-5-409](#), the party's candidate:

2105 (i) dies;
2106 (ii) resigns because of acquiring a physical or mental disability as certified by a
2107 physician;
2108 (iii) is disqualified by an election officer for improper filing or nominating procedures;
2109 or

2110 (iv) resigns to become a candidate for president or vice president of the United States.

2111 (2) If no more than two candidates from a political party have filed a declaration of
2112 candidacy for an office elected at a regular general election and one resigns to become the party
2113 candidate for another position, the state central committee of that political party, for candidates
2114 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
2115 legislative candidates whose legislative districts encompass more than one county, and the
2116 county central committee of that political party, for all other party candidates, may certify the
2117 name of another candidate to the appropriate election officer.

2118 (3) Each replacement candidate shall file a declaration of candidacy as required by
2119 [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

2120 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
2121 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

2122 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
2123 described in Subsection (1)(b) may not appear on the general election ballot.

2124 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
2125 described in Subsection (1)(c) may not appear on the general election ballot.

2126 (5) A political party may not replace a candidate who is disqualified for failure to
2127 timely file a campaign disclosure financial report under [~~Title 20A,~~] Chapter 11, Campaign and
2128 Financial Reporting Requirements, or Section [~~17-16-6.5~~] [17-16-305](#) or [17-16-306](#).

2129 Section 60. Section **20A-1-508** is amended to read:

2130 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**

2131 **Interim replacement.**

2132 (1) As used in this section:

2133 (a) (i) "County offices" includes:

2134 (A) the county executive, members of the county legislative body, the county sheriff;

2135 and

2136 (B) except in an appointing county as defined in Section 17-16-102, the county
2137 treasurer, [~~the county sheriff,~~] the county clerk, the county auditor, the county recorder, the
2138 county surveyor, and the county assessor.

2139 (ii) "County offices" does not include the office of county attorney, district attorney, or
2140 judge.

2141 (b) "Party liaison" means the political party officer designated to serve as a liaison with
2142 each county legislative body on all matters relating to the political party's relationship with a
2143 county as required by Section 20A-8-401.

2144 (2) (a) Until a county legislative body appoints an interim replacement to fill a vacant
2145 county office under Subsection (3), the following shall temporarily fill the county office as a
2146 temporary manager:

2147 (i) for a county office with one chief deputy, the chief deputy;

2148 (ii) for a county office with more than one chief deputy:

2149 (A) the chief deputy with the most cumulative time served as a chief deputy for the
2150 county office; or

2151 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
2152 vacates the office, the county officer files with the county clerk a written statement designating
2153 one of the county officer's chief deputies to discharge the duties of the county office in the
2154 event the county officer vacates the office, the designated chief deputy; or

2155 (iii) for a county office without a chief deputy:

2156 (A) if one management-level employee serving under the county office has a
2157 higher-seniority management level than any other employee serving under the county office,
2158 that management-level employee;

2159 (B) if two or more management-level employees serving under the county office have
2160 the same and highest-seniority management level, the highest-seniority management-level
2161 employee with the most cumulative time served in the employee's current position; or

2162 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
2163 officer vacates the office, the county officer files with the county clerk a written statement
2164 designating one of the county officer's employees to discharge the county officer's duties in the
2165 event the county officer vacates the office, the designated employee.

2166 (b) Except as provided in Subsection (2)(c), a temporary manager described in

2167 Subsection (2)(a) who temporarily fills a county office holds the powers and duties of the
2168 county office until the county legislative body appoints an interim replacement under
2169 Subsection (3).

2170 (c) The temporary manager described in Subsection (2)(a) who temporarily fills a
2171 county office:

2172 (i) may not take an oath of office for the county office as a temporary manager;

2173 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
2174 Counties, and the county's budget ordinances and policies;

2175 (iii) unless approved by the county legislative body, may not change the compensation
2176 of an employee;

2177 (iv) unless approved by the county legislative body, may not promote or demote an
2178 employee or change an employee's job title;

2179 (v) may terminate an employee only if the termination is conducted in accordance with:

2180 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county
2181 legislative body; and

2182 (B) applicable law;

2183 (vi) unless approved by the county legislative body, may not exceed by more than 5%
2184 an expenditure that was planned before the county office that the temporary manager fills was
2185 vacated;

2186 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
2187 compensation; and

2188 (viii) if approved by the county legislative body, may receive a performance award
2189 after:

2190 (A) the county legislative body appoints an interim replacement under Subsection (3);

2191 and

2192 (B) the interim replacement is sworn into office.

2193 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
2194 county legislative body shall appoint an interim replacement to fill the vacant office by
2195 following the procedures and requirements of this Subsection (3).

2196 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
2197 of the vacancy to the party liaison of the same political party of the prior office holder and

2198 invite that party liaison to submit the name of a person to fill the vacancy.

2199 (ii) That party liaison shall, within 30 days, submit the name of the person selected in
2200 accordance with the party constitution or bylaws as described in Section 20A-8-401 for the
2201 interim replacement to the county legislative body.

2202 (iii) The county legislative body shall no later than five days after the day on which a
2203 party liaison submits the name of the person for the interim replacement appoint the person to
2204 serve out the unexpired term.

2205 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
2206 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall send to the governor a
2207 letter that:

2208 (A) informs the governor that the county legislative body has failed to appoint a
2209 replacement within the statutory time period; and

2210 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2211 (ii) The governor shall appoint the person named by the party liaison as an interim
2212 replacement to fill the vacancy within 30 days after receipt of the letter.

2213 (d) A person appointed as interim replacement under this Subsection (3) shall hold
2214 office until their successor is elected and has qualified.

2215 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
2216 vacant if:

2217 (i) the vacant office has an unexpired term of two years or more; and

2218 (ii) the vacancy occurs after the election at which the person was elected but before
2219 April 10 of the next even-numbered year.

2220 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
2221 shall notify the public and each registered political party that the vacancy exists.

2222 (ii) An individual intending to become a candidate for the vacant office shall file a
2223 declaration of candidacy in accordance with:

2224 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2225 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2226 applicable.

2227 (iii) An individual who is nominated as a party candidate for the vacant office or
2228 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation

2229 and Procedures, for the vacant office shall run in the regular general election.

2230 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
2231 vacant if:

2232 (i) the vacant office has an unexpired term of two years or more; and

2233 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
2234 days before the regular primary election.

2235 (b) (i) When the conditions established in Subsection (5)(a) are met, the county clerk
2236 shall notify the public and each registered political party that:

2237 (A) the vacancy exists; and

2238 (B) identifies the date and time by which a person interested in becoming a candidate
2239 shall file a declaration of candidacy.

2240 (ii) An individual intending to become a candidate for a vacant office shall, within five
2241 days after the date that the notice is made, ending at the close of normal office hours on the
2242 fifth day, file a declaration of candidacy for the vacant office in accordance with:

2243 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2244 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2245 applicable.

2246 (iii) The county central committee of each party shall:

2247 (A) select a candidate or candidates from among those qualified candidates who have
2248 filed declarations of candidacy; and

2249 (B) certify the name of the candidate or candidates to the county clerk at least 60 days
2250 before the regular primary election.

2251 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
2252 vacant:

2253 (i) if the vacant office has an unexpired term of two years or more; and

2254 (ii) when 75 days or less remain before the regular primary election but more than 65
2255 days remain before the regular general election.

2256 (b) When the conditions established in Subsection (6)(a) are met, the county central
2257 committees of each political party registered under this title that wishes to submit a candidate
2258 for the office shall summarily certify the name of one candidate to the county clerk for
2259 placement on the regular general election ballot.

2260 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
2261 vacant:

2262 (i) if the vacant office has an unexpired term of less than two years; or

2263 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
2264 remain before the next regular general election.

2265 (b) (i) When the conditions established in Subsection (7)(a) are met, the county
2266 legislative body shall give notice of the vacancy to the party liaison of the same political party
2267 as the prior office holder and invite that party liaison to submit the name of a person to fill the
2268 vacancy.

2269 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the
2270 vacancy to the county legislative body.

2271 (iii) The county legislative body shall no later than five days after the day on which a
2272 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
2273 the unexpired term.

2274 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
2275 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

2276 (A) informs the governor that the county legislative body has failed to appoint a person
2277 to fill the vacancy within the statutory time period; and

2278 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2279 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy
2280 within 30 days after receipt of the letter.

2281 (d) A person appointed to fill the vacancy under this Subsection (7) shall hold office
2282 until their successor is elected and has qualified.

2283 (8) Except as otherwise provided by law, the county legislative body may appoint
2284 replacements to fill all vacancies that occur in those offices filled by appointment of the county
2285 legislative body.

2286 (9) Nothing in this section prevents or prohibits independent candidates from filing a
2287 declaration of candidacy for the office within the same time limits.

2288 (10) (a) Each person elected under Subsection (4), (5), or (6) to fill a vacancy in a
2289 county office shall serve for the remainder of the unexpired term of the person who created the
2290 vacancy and until a successor is elected and qualified.

2291 (b) Nothing in this section may be construed to contradict or alter the provisions of
2292 Section [~~17-16-6~~] [17-16-304](#).

2293 Section 61. Section **20A-1-901** is amended to read:

2294 **20A-1-901. Definitions.**

2295 As used in this part:

2296 (1) "Applicable office" means the office held by the subject officer.

2297 (2) "Mental capacity evaluation" means an evaluation by a qualified medical
2298 professional to determine whether the subject officer has the mental capacity to fulfill the
2299 essential functions of the applicable office, with or without reasonable accommodations.

2300 (3) "Officer" means ~~[a]~~ an elected county officer.

2301 (4) "Results of the mental capacity evaluation" means a statement by the qualified
2302 medical professional who conducts the mental capacity evaluation that the subject officer:

2303 (a) has the mental capacity to fulfill the essential functions of the applicable office,
2304 without reasonable accommodations;

2305 (b) has the mental capacity to fulfill the essential functions of the applicable office,
2306 with specified reasonable accommodations; or

2307 (c) lacks the mental capacity to fulfill the essential functions of the applicable office,
2308 with or without reasonable accommodations.

2309 (5) "Subject officer" means the officer who is subject to proceedings under this part to
2310 determine whether the officer has the mental capacity to fulfill the essential functions of the
2311 officer's office, with or without reasonable accommodations.

2312 (6) "Unanimous" means a vote of all members of a county legislative body where all
2313 members of the county legislative body, not including the subject officer, vote on the same side
2314 of the motion.

2315 Section 62. Section **20A-9-101** is amended to read:

2316 **20A-9-101. Definitions.**

2317 As used in this chapter:

2318 (1) (a) "Candidates for elective office" means persons who file a declaration of
2319 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
2320 constitutional office, multicounty office, or county office.

2321 (b) "Candidates for elective office" does not mean candidates for:

- 2322 (i) justice or judge of court of record or not of record;
- 2323 (ii) presidential elector;
- 2324 (iii) any political party offices; and
- 2325 (iv) municipal or local district offices.
- 2326 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
- 2327 attorney general, state auditor, and state treasurer.
- 2328 (3) "Continuing political party" means the same as that term is defined in Section
- 2329 [20A-8-101](#).
- 2330 (4) (a) "County office" means an elective office where the officeholder is selected by
- 2331 voters entirely within one county.
- 2332 (b) "County office" does not mean:
- 2333 (i) in an appointing county as defined in Section [17-16-102](#), an office described in
- 2334 Section [17-16-502](#);
- 2335 [~~(i)~~] (ii) the office of justice or judge of any court of record or not of record;
- 2336 [~~(ii)~~] (iii) the office of presidential elector;
- 2337 [~~(iii)~~] (iv) any political party offices;
- 2338 [~~(iv)~~] (v) any municipal or local district offices; [~~and~~] or
- 2339 [~~(v)~~] (vi) the office of United States Senator and United States Representative.
- 2340 (5) "Federal office" means an elective office for United States Senator and United
- 2341 States Representative.
- 2342 (6) "Filing officer" means:
- 2343 (a) the lieutenant governor, for:
- 2344 (i) the office of United States Senator and United States Representative; and
- 2345 (ii) all constitutional offices;
- 2346 (b) the county clerk, for county offices and local school district offices;
- 2347 (c) the county clerk in the filer's county of residence, for multicounty offices;
- 2348 (d) the city or town clerk, for municipal offices; and
- 2349 (e) the local district clerk, for local district offices.
- 2350 (7) "Local district office" means an elected office in a local district.
- 2351 (8) "Local government office" includes county offices, municipal offices, and local
- 2352 district offices and other elective offices selected by the voters from a political division entirely

2353 within one county.

2354 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
2355 by the voters from more than one county.

2356 (b) "Multicounty office" does not mean:

2357 (i) a county office;

2358 (ii) a federal office;

2359 (iii) the office of justice or judge of any court of record or not of record;

2360 (iv) the office of presidential elector;

2361 (v) any political party offices; and

2362 (vi) any municipal or local district offices.

2363 (10) "Municipal office" means an elective office in a municipality.

2364 (11) (a) "Political division" means a geographic unit from which an officeholder is
2365 elected and that an officeholder represents.

2366 (b) "Political division" includes a county, a city, a town, a local district, a school
2367 district, a legislative district, and a county prosecution district.

2368 (12) "Qualified political party" means a registered political party that:

2369 (a) (i) permits a delegate for the registered political party to vote on a candidate
2370 nomination in the registered political party's convention remotely; or

2371 (ii) provides a procedure for designating an alternate delegate if a delegate is not
2372 present at the registered political party's convention;

2373 (b) does not hold the registered political party's convention before the fourth Saturday
2374 in March of an even-numbered year;

2375 (c) permits a member of the registered political party to seek the registered political
2376 party's nomination for any elective office by the member choosing to seek the nomination by
2377 either or both of the following methods:

2378 (i) seeking the nomination through the registered political party's convention process,
2379 in accordance with the provisions of Section [20A-9-407](#); or

2380 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
2381 of Section [20A-9-408](#); and

2382 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
2383 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the

2384 election in the following year, the registered political party intends to nominate the registered
2385 political party's candidates in accordance with the provisions of Section 20A-9-406; or

2386 (ii) if the registered political party is not a continuing political party, certifies at the
2387 time that the registered political party files the petition described in Section 20A-8-103 that, for
2388 the next election, the registered political party intends to nominate the registered political
2389 party's candidates in accordance with the provisions of Section 20A-9-406.

2390 Section 63. Section 20A-11-103 is amended to read:

2391 **20A-11-103. Notice of pending interim and summary reports -- Form of**
2392 **submission -- Public availability -- Notice of reporting and filing requirements.**

2393 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
2394 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
2395 the chief election officer shall inform the filing entity by electronic mail unless postal mail is
2396 requested:

2397 (i) that the financial statement is due;

2398 (ii) of the date that the financial statement is due; and

2399 (iii) of the penalty for failing to file the financial statement.

2400 (b) The chief election officer is not required to provide notice:

2401 (i) to a candidate or political party of the financial statement that is due before the
2402 candidate's or political party's political convention;

2403 (ii) of a financial statement due in connection with a public hearing for an initiative
2404 under the requirements of Section 20A-7-204.1; or

2405 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

2406 (2) A filing entity shall electronically file a financial statement via electronic mail or
2407 the Internet according to specifications established by the chief election officer.

2408 (3) (a) A financial statement is considered timely filed if the financial statement is
2409 received by the chief election officer's office before midnight, Mountain Time, at the end of the
2410 day on which the financial statement is due.

2411 (b) For a county clerk's office that is not open until midnight at the end of the day on
2412 which a financial statement is due, the county clerk shall permit a candidate to file the financial
2413 statement via email or another electronic means designated by the county clerk.

2414 (c) A chief election officer may extend the time in which a filing entity is required to

2415 file a financial statement if a filing entity notifies the chief election officer of the existence of
2416 an extenuating circumstance that is outside the control of the filing entity.

2417 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
2418 Access and Management Act, the lieutenant governor shall:

2419 (a) make each campaign finance statement filed by a candidate available for public
2420 inspection and copying no later than one business day after the statement is filed; and

2421 (b) post an electronic copy or the contents of each financial statement in a searchable
2422 format on a website established by the lieutenant governor:

2423 (i) for campaign finance statements submitted to the lieutenant governor under the
2424 requirements of Section 10-3-208 [~~or Section 17-16-6.5~~], 17-16-305, or 17-16-306, no later
2425 than seven business days after the date of receipt of the campaign finance statement; or

2426 (ii) for a summary report or interim report filed under the requirements of this chapter
2427 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
2428 date the summary report or interim report is electronically filed.

2429 (5) If a municipality, under Section 10-3-208, or a county, under Section [~~17-16-6.5~~]
2430 17-16-305, elects to provide campaign finance disclosure on its own website, rather than
2431 through the lieutenant governor, the website established by the lieutenant governor shall
2432 contain a link or other access point to the municipality or county website.

2433 (6) Between January 1 and January 15 of each year, the chief election officer shall
2434 provide notice, by postal mail or email, to each filing entity for which the chief election officer
2435 has a physical or email address, of the reporting and filing requirements described in this
2436 chapter.

2437 Section 64. Section **41-1a-1320** is amended to read:

2438 **41-1a-1320. Tax clearance required to move manufactured home or mobile home.**

2439 (1) A manufactured home or mobile home may not be transported by any person,
2440 including its owner, unless a tax clearance has been obtained from the assessor or, if the
2441 responsibility to provide a tax clearance has been reassigned under Section [~~17-16-5.5~~]
2442 17-16-105, the treasurer of the county in which the real property upon which the manufactured
2443 home or mobile home was last located showing that all property taxes, including any interest
2444 and penalties, have been paid.

2445 (2) The tax clearance described in Subsection (1):

2446 (a) is proof of having paid all property taxes, interest, and penalties; and
2447 (b) shall be displayed in a conspicuous place on the rear of the manufactured home or
2448 mobile home so as to be plainly visible while in transit.

2449 (3) (a) Any person, including the owner, who transports a manufactured home or
2450 mobile home without a valid tax clearance is:

2451 (i) in violation of Section 59-2-309; and
2452 (ii) subject to the penalty provisions of Section 59-2-309.

2453 (b) In addition to the penalty provided in Subsection (3)(a), any commercial mover
2454 who transports any manufactured home or mobile home without a valid tax clearance is guilty
2455 of a class B misdemeanor.

2456 Section 65. Section 51-7-15 is amended to read:

2457 **51-7-15. Bonds of state treasurer and other public treasurers -- Reports to**
2458 **council.**

2459 (1) (a) The state treasurer, county, city, and town treasurers, the clerk or treasurer of
2460 each school district, and other public treasurers that the council designates by rule shall be
2461 bonded or may procure crime or theft insurance as allowed in Section [~~17-16-11~~] 17-16-108 in
2462 an amount of not less than that established by the council.

2463 (b) The council shall base the minimum bond amount or crime or theft insurance as
2464 allowed in Section [~~17-16-11~~] 17-16-108 on the amount of public funds normally in the
2465 treasurer's possession or control.

2466 (2) (a) When a public treasurer deposits or invests public funds as authorized by this
2467 chapter, the public treasurer and the public treasurer's bondsmen or insurers are not liable for
2468 any loss of public funds invested or deposited unless the loss is caused by the malfeasance of
2469 the public treasurer or a member of the public treasurer's staff.

2470 (b) A public treasurer and the public treasurer's bondsmen or insurers are liable for a
2471 loss for any reason from deposits or investments not made in conformity with this chapter and
2472 the rules of the council.

2473 (3) (a) A public treasurer shall file a written report with the council on or before
2474 January 31 and July 31 of each year.

2475 (b) The report shall contain:

2476 (i) the information about the deposits and investments of that public treasurer during

2477 the preceding six months ending December 31 and June 30, respectively, that the council
2478 requires by rule; and

2479 (ii) information detailing the nature and extent of interest rate contracts permitted by
2480 Subsection 51-7-17(3).

2481 (c) A public treasurer shall make copies of the report available to the public at the
2482 public treasurer's office during normal business hours.

2483 Section 66. Section 51-9-408 is amended to read:

2484 **51-9-408. Children's Legal Defense Account.**

2485 (1) There is created a restricted account within the General Fund known as the
2486 Children's Legal Defense Account.

2487 (2) The purpose of the Children's Legal Defense Account is to provide for programs
2488 that protect and defend the rights, safety, and quality of life of children.

2489 (3) The Legislature shall appropriate money from the account for the administrative
2490 and related costs of the following programs:

2491 (a) implementing the Mandatory Educational Course on Children's Needs for
2492 Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4,
2493 30-3-10.3, 30-3-11.3, and 30-3-15.3, and the Mediation Program - Child Custody or
2494 Parent-time;

2495 (b) implementing the use of guardians ad litem as provided in Sections 78A-2-703,
2496 78A-2-705, 78A-6-902, and 78B-3-102; the training of attorney guardians ad litem and
2497 volunteers as provided in Section 78A-6-902; and termination of parental rights as provided in
2498 Sections 78A-6-117 and 78A-6-118, and Title 78A, Chapter 6, Part 5, Termination of Parental
2499 Rights Act. This account may not be used to supplant funding for the guardian ad litem
2500 program in the juvenile court as provided in Section 78A-6-902;

2501 (c) implementing and administering the Expedited Parent-time Enforcement Program
2502 as provided in Section 30-3-38; and

2503 (d) implementing and administering the Divorce Education for Children Program.

2504 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
2505 Account and used only for the purposes provided in Subsections (3)(a) through (d):

2506 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
2507 as provided in Section [~~17-16-21~~] 17-16-109; and

2508 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
2509 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

2510 (5) The Division of Finance shall allocate the money described in Subsection (4) from
2511 the General Fund to the Children's Legal Defense Account.

2512 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30
2513 of any fiscal year shall lapse into the General Fund.

2514 Section 67. Section **59-2-407** is amended to read:

2515 **59-2-407. Administration of uniform fees.**

2516 (1) (a) Except as provided in Subsection [59-2-405\(4\)](#) or [59-2-405.3\(4\)](#), the uniform fee
2517 authorized in Sections [59-2-404](#), [59-2-405](#), [59-2-405.3](#), and [72-10-110.5](#) shall be assessed at
2518 the same time and in the same manner as ad valorem personal property taxes under Chapter 2,
2519 Part 13, Collection of Taxes, except that in listing personal property subject to the uniform fee
2520 with real property as permitted by Section [59-2-1302](#), the assessor or, if this duty has been
2521 reassigned in an ordinance under Section [~~17-16-5.5~~] [17-16-105](#), the treasurer shall list only the
2522 amount of the uniform fee due, and not the taxable value of the property subject to the uniform
2523 fee.

2524 (b) Except as provided in Subsections [59-2-405.1\(4\)](#), [59-2-405.2\(5\)](#), and
2525 [59-2-405.3\(4\)](#), the uniform fee imposed by Section [59-2-405.1](#), [59-2-405.2](#), or [59-2-405.3](#) shall
2526 be assessed at the time of:

2527 (i) registration as defined in Section [41-1a-102](#); and

2528 (ii) renewal of registration.

2529 (2) The remedies for nonpayment of the uniform fees authorized by Sections [59-2-404](#),
2530 [59-2-405](#), [59-2-405.1](#), [59-2-405.2](#), [59-2-405.3](#), and [72-10-110.5](#) shall be the same as those
2531 provided in Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal
2532 property taxes.

2533 Section 68. Section **59-2-1302** is amended to read:

2534 **59-2-1302. Assessor or treasurer's duties -- Collection of uniform fees and taxes**
2535 **on personal property -- Unpaid tax or unpaid uniform fee is a lien -- Delinquency interest**
2536 **-- Rate.**

2537 (1) After the assessor assesses taxes or uniform fees on personal property, the assessor
2538 or, if this duty has been reassigned in an ordinance under Section [~~17-16-5.5~~] [17-16-105](#), the

2539 treasurer shall:

2540 (a) list the personal property tax or uniform fee with the real property of the owner in
2541 the manner required by law and as provided under Subsection (3), if the assessor or treasurer,
2542 as the case may be, determines that the real property is sufficient to secure the payment of the
2543 personal property taxes or uniform fees;

2544 (b) immediately collect the taxes or uniform fees due on the personal property; or

2545 (c) on or before the day on which the tax or uniform fee on personal property is due,
2546 obtain from the taxpayer a bond that is:

2547 (i) payable to the county in an amount equal to the amount of the tax or uniform fee
2548 due, plus 20% of the amount of the tax or uniform fee due; and

2549 (ii) conditioned for the payment of the tax or uniform fee on or before November 30.

2550 (2) (a) An unpaid tax as defined in Section 59-1-705, or unpaid uniform fee upon
2551 personal property listed with the real property is a lien upon the owner's real property as of
2552 noon of January 1 of each year.

2553 (b) An unpaid tax as defined in Section 59-1-705, or unpaid uniform fee upon personal
2554 property not listed with the real property is a lien upon the owner's personal property as of noon
2555 of January 1 of each year.

2556 (3) The assessor or treasurer, as the case may be, shall make the listing under this
2557 section:

2558 (a) on the record of assessment of the real property; or

2559 (b) by entering a reference showing the record of the assessment of the personal
2560 property on the record of assessment of the real property.

2561 (4) (a) The amount of tax or uniform fee assessed upon personal property is delinquent
2562 if the tax or uniform fee is not paid on the day on which the tax notice or the combined signed
2563 statement and tax notice under Section 59-2-306 is due.

2564 (b) Subject to Subsection (4)(c), delinquent taxes or uniform fees under Subsection
2565 (4)(a) shall bear interest from the date of delinquency until the day on which the delinquent tax
2566 or uniform fee is paid at an interest rate equal to the sum of:

2567 (i) 6%; and

2568 (ii) the federal funds rate target:

2569 (A) established by the Federal Open Markets Committee; and

2570 (B) that exists on the January 1 immediately preceding the date of delinquency.

2571 (c) The interest rate described in Subsection (4)(b) may not be less than 7% or more
2572 than 10%.

2573 (5) A county assessor or treasurer shall deposit all collections of public funds from a
2574 personal property tax or personal property uniform fee no later than once every seven banking
2575 days with:

2576 (a) the state treasurer; or

2577 (b) a qualified depository for the credit of the county.

2578 Section 69. Section **59-2-1303** is amended to read:

2579 **59-2-1303. Seizure and sale -- Method and procedure.**

2580 Unless taxes or uniform fees on personal property assessed by the county assessor are
2581 paid or secured as provided under Section [59-2-1302](#), the assessor or, if this duty has been
2582 reassigned in an ordinance under Section [~~17-16-5.5~~] [17-16-105](#), the treasurer shall collect the
2583 taxes, including accrued interest and penalties, by seizure or seizure and subsequent sale of any
2584 personal property owned by the person against whom the tax is assessed. The assessor or
2585 treasurer, as the case may be, may seize that personal property on which a delinquent property
2586 tax or uniform fee exists at any time in order to protect a county's interest in that personal
2587 property. The sale of personal property shall be made in the following manner:

2588 (1) (a) For all personal property, except manufactured homes and mobile homes as
2589 provided in Subsection (1)(b), the sale shall be made:

2590 (i) at public auction;

2591 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,
2592 penalties, and costs;

2593 (iii) when practicable, in the city, town, or precinct where the property was seized; and

2594 (iv) after one week's notice of the time and place of the sale, given by:

2595 (A) (I) publication in a newspaper having general circulation in the county; and

2596 (II) publication in accordance with Section [45-1-101](#); and

2597 (B) posting in three public places in the county.

2598 (b) For manufactured homes and mobile homes that are used as a residence and that are
2599 listed on the personal property roll of the county, the sale shall be made:

2600 (i) at public auction;

2601 (ii) when practicable, in the city, town, or precinct where the property was seized;

2602 (iii) no sooner than one year after the taxes on the property became delinquent as
2603 determined in Section [59-2-1302](#);

2604 (iv) after publication of the date, time, and place of sale:

2605 (A) in a newspaper having general circulation in the county, once in each of two
2606 successive weeks immediately preceding the date of the sale; and

2607 (B) in accordance with Section [45-1-101](#) for two weeks immediately preceding the date
2608 of the sale; and

2609 (v) after notification, sent by certified mail at least 10 days prior to the first date of
2610 publication under Subsection (1)(b)(iv), to the owner of the manufactured home or mobile
2611 home, all lien holders of record, and any other person known by the assessor to have an interest
2612 in the manufactured home or mobile home, of the date, time, and place of the sale.

2613 (2) For seizing or selling personal property the assessor or treasurer, as the case may
2614 be, may charge in each case the actual and necessary expenses for travel and seizing, handling,
2615 keeping, selling, or caring for that property.

2616 (3) Upon payment of the price bid for any personal property sold under this section, the
2617 delivery of the property, with a bill of sale, vests title in the purchaser.

2618 (4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and
2619 costs shall be returned to the owner of the personal property, and until claimed shall be
2620 deposited in the county treasury and made subject to the order of the owner, the owner's heirs,
2621 or assigns.

2622 (5) The unsold portion of any property may be left at the place of sale at the risk of the
2623 owner.

2624 (6) If there is no acceptable purchaser of the property, the property shall be declared the
2625 property of the county. The county executive may sell or rent any property held in the name of
2626 the county at any time after the sale upon terms determined by the county legislative body.

2627 Section 70. Section [59-2-1305](#) is amended to read:

2628 **59-2-1305. Entries of payments made -- Payments to county treasurer.**

2629 (1) The assessor or, if this duty has been reassigned in an ordinance under Section
2630 [\[17-16-5.5\]](#) [17-16-105](#), the treasurer shall note on the assessment roll, opposite the names of
2631 each person against whom taxes have been assessed or tax notice charges have been listed, the

2632 amount of the taxes and tax notice charges paid.

2633 (2) (a) The assessor or treasurer, as the case may be, shall require all checks to be made
2634 payable to the office of the county assessor or treasurer, respectively.

2635 (b) If the assessor or treasurer receives checks made payable to a payee other than the
2636 office of the county assessor or treasurer, respectively, the assessor or treasurer, as the case may
2637 be, shall immediately endorse the check with a restrictive endorsement that makes the check
2638 payable to the office of the county treasurer.

2639 (3) The assessor shall deposit all money the assessor collects into an account controlled
2640 by the county treasurer.

2641 Section 71. Section **59-2-1316** is amended to read:

2642 **59-2-1316. Annual settlements between county assessor, county treasurer, and**
2643 **county auditor.**

2644 (1) ~~Every~~ Each county assessor and county treasurer shall annually, on the first
2645 Monday in January, make a settlement with the county auditor of all transactions connected
2646 with the revenue described in Section 59-2-1315 for the previous year~~[, and every]~~.

2647 (2) Each county treasurer~~[, on the expiration of the treasurer's term of office,]~~ shall
2648 make ~~[the]~~ a settlement with the county auditor of all transactions connected with the revenue
2649 described in Section 59-2-1315 when the treasurer leaves office.

2650 Section 72. Section **63I-1-217** is amended to read:

2651 **63I-1-217. Repeal dates, Title 17.**

2652 Subsection ~~[17-16-21]~~ 17-16-109(2)(d) is repealed July 1, 2023.

2653 Section 73. Section **63J-1-602.2** is amended to read:

2654 **63J-1-602.2. List of nonlapsing appropriations to programs.**

2655 Appropriations made to the following programs are nonlapsing:

2656 (1) The Legislature and its committees.

2657 (2) The Percent-for-Art Program created in Section 9-6-404.

2658 (3) The LeRay McAllister Critical Land Conservation Program created in Section
2659 11-38-301.

2660 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
2661 Subsection ~~[17-16-21]~~ 17-16-109(2)(d)(ii).

2662 (5) The Division of Wildlife Resources for the appraisal and purchase of lands under

- 2663 the Pelican Management Act, as provided in Section 23-21a-6.
- 2664 (6) The primary care grant program created in Section 26-10b-102.
- 2665 (7) Sanctions collected as dedicated credits from Medicaid provider under Subsection
2666 26-18-3(7).
- 2667 (8) The Utah Health Care Workforce Financial Assistance Program created in Section
2668 26-46-102.
- 2669 (9) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- 2670 (10) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- 2671 (11) Funds that the Department of Alcoholic Beverage Control retains in accordance
2672 with Subsection 32B-2-301(7)(a)(ii) or (b).
- 2673 (12) The General Assistance program administered by the Department of Workforce
2674 Services, as provided in Section 35A-3-401.
- 2675 (13) A new program or agency that is designated as nonlapsing under Section
2676 36-24-101.
- 2677 (14) The Utah National Guard, created in Title 39, Militia and Armories.
- 2678 (15) The State Tax Commission under Section 41-1a-1201 for the:
- 2679 (a) purchase and distribution of license plates and decals; and
- 2680 (b) administration and enforcement of motor vehicle registration requirements.
- 2681 (16) The Search and Rescue Financial Assistance Program, as provided in Section
2682 53-2a-1102.
- 2683 (17) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2684 (18) The State Board of Regents for teacher preparation programs, as provided in
2685 Section 53B-6-104.
- 2686 (19) The Medical Education Program administered by the Medical Education Council,
2687 as provided in Section 53B-24-202.
- 2688 (20) The State Board of Education, as provided in Section 53F-2-205.
- 2689 (21) The Division of Services for People with Disabilities, as provided in Section
2690 62A-5-102.
- 2691 (22) The Division of Fleet Operations for the purpose of upgrading underground
2692 storage tanks under Section 63A-9-401.
- 2693 (23) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

- 2694 (24) Appropriations to the Department of Technology Services for technology
2695 innovation as provided under Section [63F-4-202](#).
- 2696 (25) The Office of Administrative Rules for publishing, as provided in Section
2697 [63G-3-402](#).
- 2698 (26) The Utah Science Technology and Research Initiative created in Section
2699 [63M-2-301](#).
- 2700 (27) The Governor's Office of Economic Development to fund the Enterprise Zone
2701 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2702 (28) Appropriations to fund the Governor's Office of Economic Development's Rural
2703 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
2704 Employment Expansion Program.
- 2705 (29) The Department of Human Resource Management user training program, as
2706 provided in Section [67-19-6](#).
- 2707 (30) The University of Utah Poison Control Center program, as provided in Section
2708 [69-2-5.5](#).
- 2709 (31) A public safety answering point's emergency telecommunications service fund, as
2710 provided in Section [69-2-301](#).
- 2711 (32) The Traffic Noise Abatement Program created in Section [72-6-112](#).
- 2712 (33) The Judicial Council for compensation for special prosecutors, as provided in
2713 Section [77-10a-19](#).
- 2714 (34) A state rehabilitative employment program, as provided in Section [78A-6-210](#).
- 2715 (35) The Utah Geological Survey, as provided in Section [79-3-401](#).
- 2716 (36) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).
- 2717 (37) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and
2718 [78B-6-144.5](#).
- 2719 (38) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent
2720 Defense Commission.
- 2721 Section 74. **Repealer.**
- 2722 This bill repeals:
- 2723 Section [17-16-8](#), **Powers, duties and liabilities of deputies.**
- 2724 Section [17-16-201](#), **Title.**